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W.P.No.29117 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29117 of 2018 and
WMP.Nos.34049, 34051 of 2018, 5839 of 2019

K.Bannari(died)

2.Barathi

(second petitioner substituted as legal heir
of deceased sole petitioner vide order dated
05.04.2022 made in WMP.No.7738 of 2022
in WP.No.29117 of 2018)

... Petitioner

Vs.

1.The Tamil Nadu Bhoomidan Board,
Member Secretary cum Director Lands Reforms,
Ezhilaham,
Chennai 600 006

2.The District Revenue officer,
Coimbatore, Coimbatore District

3.The Tashildar,
Taluk office, Sulur Taluk, Coimbatore District

4.M/S.CODISSIA INDUSTRIAL PARK LIMITED,
REP. BY ITS MANAGING DIRECTOR,

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S.SOUNDARARAJAN, HAVING REGISTERED OFFICE AT
CODISSIA G.D.NAIDU TOWERS, HOZUR ROAD, COIMBATORE-
641 018.

5.STATE OF TAMILNADU,
REP BY SECRETARY TO GOVERNMENT,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
LAND REFORMS WING, LR.1(1) SECTION,
CHENNAI

(R4-IMPLEADED AS PER ORDER DATED 05.08.2024 IN
WMP.No.25293/2023 IN WP.No.29117/2018)

(R-5 IMPLEADED VIDE ORDER DT.19.08.2024 MADE IN
WMP.No.25877/2024 IN WP.No.29117/2018)

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records
relating to the order passed by the 1st Respondent in
Na.Ka.No.7888/17/K1 dated 10.07.2018 and the consequential order
passed by the 5th respondent in G.O.(Ms.).No.341 (Revenue and Disaster
Management Department, Land Reforms Wing, LR.1(1) Section) dated
19.09.2018 and quash the same consequently forbear the respondents
from in any manner interfering with the peaceful possession and



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enjoyment of the lands to an extent of 2.65 acres in survey No.32/1,

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Moppiripalayam village, sulur Taluk, coimbatore District

(PRAYER AMENDED VIDE ORDER DT.19.08.2024 MADE IN

WMP.No.25878/2024 IN WP.No.29117/2018)

For Petitioners : M/s.S.Consciousllango

For Respondents

For R1 to 3 : Mr.T.Arun Kumar,
Additional Government Pleader

For R4 : Mr.R.Bharath Kumar

ORDER

This writ petition has been filed challenging the proceedings passed in Na.Ka.No.7888/17/K1 dated 10.07.2018 by the first respondent herein, thereby cancelling the assignment of lands granted to the first petitioner's father.

2. According to the first petitioner, the first respondent Board had



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executed a land assignment deed dated 12.02.1964 assigning lands to his father to an extent of 2.65 acres in survey No.32/1, Moppiripalayam village, Sulur Taluk, Coimbatore District. The revenue department also issued patta for the said lands and the first petitioner's family is in continuous possession and enjoyment of the same. On 15.05.2013, the first petitioner's father died and thereafter, the first petitioner continued to cultivate the said lands. However, the impugned order has been passed by the first respondent, thereby cancelling the assignment of lands granted to the first petitioner's father for the reason there was no cultivation for more than three years.

3. The learned counsel for the petitioner would submit that as per Section 19(1) of the Tamil Nadu Bhoodhan Yagna Act, 1958 (herein after called as 'the Act'), the State Board may, in the manner prescribed and as far as possible taking into consideration the wishes of the donor, grant

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any land which has vested in it to a landless poor person who is able and willing to cultivate the land or to the Government or a local authority for community purposes or Sarvodaya Panchayat and the grantee of the land shall acquire therein such rights and liabilities and subject to certain conditions. Now, the subject land is allotted in favour of the fourth respondent for commercial purpose. It is against the provision of 19(1) of the Act.

4. On perusal of records, it is found that though the Board had distributed the lands in favour of the first petitioner's deceased father, thereafter he died. Notice was issued in the name of the dead person to cancel the distribution ship. In order to allot the subject lands in favour of the fourth respondent, even before the cancellation of distribution order, the Government decided to allot the land in favour of the fourth respondent. Even assuming that the said land was not utilised and the allotment was in violation of any condition, the petitioners are entitled for

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compensation since it was distributed in the year 1964 and they were in possession and enjoyment of the subject land and they also developed the land to cultivate the same.

5. Further, record shows that the show cause notice dated 23.05.2017 was duly received by the first petitioner on behalf of his father. Further, the cancellation of distribution order dated 10.07.2018 was also duly received by the first petitioner.

6. The learned Additional Government Pleader appearing for respondents 1 to 3 also produced records before this Court. It is seen that the first respondent distributed the land only to the landless poor and as per the amendment it can be distributed by receiving double the cost of the land. Accordingly, the fourth respondent was distributed with the subject land. Therefore, the first petitioner's father, in whose favour the land was originally distributed, died and the son of the said person i.e. the

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first petitioner also died. Therefore, the second petitioner who is being the legal representative of the deceased first petitioner cannot be considered as landless poor. She was never assigned with the subject land and the subject land was never acquired by the respondents. The subject land was originally distributed in favour of the first petitioner's deceased father and subsequently for violation of one of the conditions, the distribution order was cancelled and subsequently distributed in favour of the fourth respondent herein. Even till today, the title of the subject land stands in the name of the first respondent. Therefore, the petitioners are not entitled for any compensation.

7. The learned counsel for the fourth respondent would submit that after the subject land was distributed in favour of the fourth respondent, they formed lay out and accordingly allotted to various persons, thereby third party interest has also been created in respect of the subject property and the said persons are in possession and they are

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running their respective industries.
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8. In view of the above, this Court finds no infirmity or illegality in the impugned order passed by the first respondent and the writ petition is devoid of merits and is liable to be dismissed.

9. Accordingly, this writ petition stands dismissed.
Consequently, connected miscellaneous petitions are closed. No costs.

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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

G.K.ILANTHIRAIYAN, J.

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