BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 29.04.2025

PRONOUNCED ON :01.09.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD) Nos.1117 and 695 of 2024; W.A(MD) Nos. 1572 and 1573 of 2023
and
C.M.P.(MD) Nos. 6243 and 8631 of 2024
C.M.P.(MD) Nos.12200 and12196 of 2023

W.A.(MD) No.1117 of 2024:

MASILAMANI ……APPELLANT/3rd PARTY

Vs

1.LOGANATHAN

2.RAJAMMAL

3.MAGUDEESWARAN
S/O.KALIAPPAN

4.THANGARAJAN

5.MAGUDEESHWARAN
S/O. VILANDI GOUNDER

6.KANDASAMY

7.ALAGAR

8.KALIAPPAN

9.ARUMUGAM

10.KEPPAYEE

11.THE DISTRICT COLLECTOR
OFFICE OF THE DISTRICT COLLECTOR,
DINDIGUL.

12.THE DISTRICT REVENUE OFFICER
OFFICE OF THE DISTRICT REVENUE OFFICE,
DINDIGUL.

13.THE REVENUE DIVISIONAL OFFICER CUM,
THE ASSISTANT COMMISSIONER LAND (REFORMS).
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
PALANI, DINDIGUL DISTRICT.

14.THE TAHSILDAR,
OFFICE OF THE TALUK OFFICE,
PALANI DINDIGUL DISTRICT.

G.D.NARENDRA (DIED)
15.PUSHPAWATHIE

16.M.BALASUBRAMANIAN ... RESPONDENTS

PRAYER: Writ Appeal filed under Clause 15 of the Letters Pattern,praying to set aside the common order made by this Court dated 23.06.2022 in WP(MD)No. 23475 of 2018, and to dismiss the writ petition on the grounds of suppression of fact and playing fraud upon the Court.

For Appellant : Mr.Isaac Mohanlal, Senior counsel
for Mr.Ananth C.Rajesh.

For R-1, to R-3,
R-5, R6, R8 to R10. : Mr.K.Baalasundaram, Senior counsel

for M/s.S.Ramsundar Vijayaraj

For R-11 to R-14 :Mrs.D.Farjana Ghoushia, Spl.G.P.
For R-15 and R-16 : Mr.H.Velavadhas.…

W.A.(MD) No. 695 of 2024:

MASILAMANI ……APPELLANT/3rd PARTY

Vs

1.SIVAKUMAR

2.CHELLAMMAL

3.JOTHIAMMAL

4.RAVIKUMAR

5.SELVAKUMAR

6.THE DISTRICT COLLECT,
Office of the District Collector,
Office of the District Collector,
Dindigul.

7.THE DISTRICT REVENUE OFFICER,
Office of the District Revenue Officer, Dindigul.

8.THE REVENUE DIVISIONAL OFFICER CUM
The Assistant Commissioner (Land Reforms),
Office of the Revenue Divisional Office,
Palani, Dindigul District.

9.THE TAHSILDAR,
Office of the Taluk Office, Palani,
Dindigul District.

G.D.Nagendra (Died)

10.PUSHPAWATHIE,
W/O. LATE G.D.NARENDRA,
4/128, A-1, Syndicate Bank Colony,
Salem Town.

11.M. BALASUBRAMANIAN,
S/o. Muthusamy, 140B, Jeeva Nagar,
Sivagiripatti, Palani Taluk, Dindigul District.

..Respondents 6 to 11/
Respondents.

PRAYER: Writ Appeal filed under Clause 15 of the Letters Pattern, praying to set aside the common order made by this Court dated 23.06.2022 in WP(MD)No. 23474 of 2018, and to dismiss the writ petition on the grounds of suppression of fact and playing fraud upon the Court.

For Appellant : Mr.Isaac Mohanlal, Senior counsel for
M/s.Ananth C.Rajesh

For R-1 to R-5 : Mr.S.Ramsundar Vijayaraj

For R-6 to R-9 : Mrs.D.Farjana Ghoushia, Spl.G.P.
For R-10 and R-11 : Mr.H.Velavadhas.

W.A.(MD) No.1572 of 2023:

G.D.NARENDRA (DECEASED)
PUSHPAWATHE …….APPELLANT /5th respondent.

Vs

1.SIVAKUMAR

2.CHELLAMMAL

3.JOTHIAMMAL

4.RAVIKUMAR

5.SELVAKUMAR

6.THE DISTRICT COLLECTOR
O/o.The District Collector Dindigul

7.THE DISTRICT REVENUE OFFICER
o/o.The District Revenue Officer Dindigul

8.THE REVENUE DIVISIONAL OFFICER CUM
The Assistant Commissioner (Land Reforms)
Office of the Revenue Divisional Office,
Palani, Dindigul District.

9.THE TAHSILDAR
Office of the Taluk Office Palani,
Dindigul District.

10.M.BALASUBRAMANIAN
S/o.Muthusamy 140B,

Jeeva Nagar Sivagiripatti,
Palani Taluk, Dindigul District ……Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Pattern,praying to set aside the common order made by this Court dated 23.06.2022 in WP(MD)No. 23474 of 2018, and to dismiss the writ petition on the grounds of suppression of fact and playing fraud upon the Court

For Appellant : Mrs.W.Pamelin
For R-1, R-2, R-4, R-5 : Mr.S.Ramu
For R-6 to R-9 : Mrs.D.Farjana Ghoushia, Spl.G.P.

W.A.(MD) No. 1573 of 2023:

G.D.NARENDRA (DECEASED)
PUSHPAWATHE …….APPELLANT

Vs.

1.LOGANATHAN
2.RAJAMMAL
3.MAGUDEESWARAN
4.THANGARAJAN
5.S.MAGUDEESHWARAN
6.KANDASAMY
7.ALAGAR CHINNARAMAN
8.KALIAPPAN
9.ARUMUGAM
10.KEPPAYEE
11.THE DISTRICT COLLECTOR

O/O. District Collector Dindigul
12.THE DISTRICT REVENUE OFFICER
O/O. District Revenue Officer Dindigul
13.THE REVENUE DIVISIONAL OFFICER CUM
The Assistant Commissioner (Land Reforms)
Office of the Revenue divisional office,
Palani, Dindigul District.
14.THE TAHSILDAR
Office of the Taluk Office,
Palani, Dindigul District
15.M.BALASUBRAMANIAN
S/o.Muthusamy 140B, Jeeva Nagar,
Sivagiripatti, Palani Taluk Dindigul District. ....Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Pattern praying to set aside the common order made by this Court dated 23.06.2022 in WP(MD)No. 23475 of 2018, and to dismiss the writ petition on the ground of suppression of fact and playing fraud upon the Court.

For Appellant : M/s.W.Pamelin
For R-1, R-2, R-4, R-5 : Mr.S.Ramu
For R-11 to R-14 : Mrs.D.Farjana Ghoushia

COMMON JUDGMENT

J.NISHA BANU. J.

These intra-court appeals are filed against the common order dated 23.06.2022 passed in W.P.(MD) Nos. 23474 and 23475 of 2018. Since the issues involved in these writ appeals are one and the same, they are taken up and heard together, and a common order is being passed.

2.The appellant in W.A.(MD) No.695 and 1117 of 2024 is a third party to the said writ proceedings and was not arrayed as a party to the writ petitions. She had purchased the subject property for consideration from one G.D.Narendra-the 5th respondent in the said writ petitions in W.P.(MD) No. 23474 and 23475 of 2018. Therefore, she filed miscellaneous petitions in C.M.P.(MD) No.11550 of 2023 and C.M.P.(MD) No.4312 of 2024 seeking leave to sue against the impugned order passed in W.P.(MD) No.23474 and 23475 of 2018 dated 23.06.2022, which were allowed by this Court on 29.09.2023 and 04.04.2024, respectively.

3.The appellant in W.A.(MD) Nos. 1572 and 1573 of 2023 is the legal heir of G.D.Narendra-the 5threspondent in the above writ petitions, who was the possessor and rightful title holder of the subject property. Since the 5th respondent died during the pendency of the writ proceedings, the appellant in W.A.(MD) Nos. 1572 and 1573 of 2023 was substituted as the 5th respondent by order dated 06.04.2022 in W.M.P.(MD) No.3805 and 3809 of 2021 in W.P.(MD) Nos. 23474 and 23475 of 2018.

4.The respondents 1 to 5 in W.A.(MD) No.1572 of 2023 and W.A.(MD) No.695 of 2024 are the writ petitioners 1 to 5 in W.P.(MD) No.23474 of 2018, and the respondents 1 to 10 in W.A.(MD) No.1573 of 2023 and W.A.(MD) No. 1117 of 2024 are the writ petitioners 1 to 10 in W.P.(MD) No.23475 of 2018. For the sake of convenience, the aforesaid respondents shall hereinafter be referred to as the "1 to 5 writ petitioners" and the "1 to 10 writ petitioners," respectively.

5.Before delving into the facts and contentions of the respective parties, it is necessary to consider the prayers in W.P.(MD) Nos. 23474 and 23475 of 2018, which are sought to be impugned in the present writ appeals.

6.In W.P.(MD) No. 23474 of 2018, filed by the writ petitioners 1 to 5, the prayer is stated as follows:-

> "*To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings issued by the 4th respondent in respect of lands comprised in S.No.318/1J1B, situated at Periyampatti Village, Palani Taluk, Dindigul District, vide Patta No.1965, and quash the same; and consequently, to direct the 4th respondent herein to issue patta in favour of the petitioners in respect of the properties comprised in S.Nos.318/1J5, 318/1J10, 318/1J7, 318/1J9, and 318/1J2, situated at Periyampatti Village, Palani Taluk, Dindigul District*."

7.In W.P.(MD) No.23475 of 2018, filed by the 1 to 10 writ petitioners, the prayer is stated as follows:-

> "*To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings issued by the 4th respondent in respect of lands comprised in S.No.318/1J1B, situated at Periyammapatti Village, Palani Taluk, Dindigul District, vide Patta No.1965, and quash the same; and consequently, to direct the 4th respondent herein to issue patta in favour of the petitioners in respect of the property comprised in S.No.318/1J1, situated at Periyammapatti Village, Palani Taluk, Dindigul District.*"

8.The claim of the 1 to 5 writ petitioners in W.P.(MD) No.23474 of 2018 is that, in Survey No.318, an extent of 15 acres - which was subsequently sub-divided into Survey Nos.318/1J5, 318/1J10, 318/1J7, 318/1J9, and 318/1J2, situated at Periyammapatti Village, Palani Taluk - was assigned in their favour on 29.08.2003. The said writ petitioners further contend that patta were also issued to them pursuant to such assignment. It is their assertion that, ever since the date of assignment, they have been in exclusive possession and enjoyment of the said survey numbers. They further state that vast extents of land originally belonged to the Neikaraipatti Zamin. Under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (hereinafter referred to as "the Land Reforms Act"), the Government of Tamil Nadu, by virtue of Section 18(1) of the Land Reforms Act, declared certain portions of the said lands as surplus. The remaining lands were excluded from the purview of the Land Reforms Act under Section 3(22) and were retained, as they fell within the extent permissible to be held by the 5th respondent, G.D. Narendra, under the said Act. The identified surplus lands were subsequently acquired by the competent statutory authorities.

9.The 1 to 5 writ petitioners claim that such surplus lands were assigned to them on 29.08.2003 and that they have been in continuous possession and enjoyment thereof. While so, G.D. Narendra (the 5th respondent in all the writ petitions), claiming to be the legal heir of the former Zamin, approached the Revenue Divisional Officer, Palani, seeking issuance of patta in his favour. The said request was rejected by the Revenue Divisional Officer. Aggrieved by such rejection, G.D.Narendra preferred an appeal before the District Revenue Officer, Dindigul, who, by order, set aside the rejection and directed the issuance of patta in favour of G.D. Narendra in the year 2018. The writ petitioners further contend that it was only after the cancellation of their patta on 31.08.2012 that Patta No.1965 was issued in favour of G.D. Narendra on 30.07.2018

10.Similarly, the claim of the 1 to 10 writ petitioners in W.P.(MD) No. 23475 of 2018 is that they were assigned land on 11.05.2005 in respect of S.F.No.318, to an extent of 23.30 acres. Pursuant to such assignment, they were issued an "E" notice, paid the appropriate land value, subdivision fees, and land taxes, and, on the strength of the said documents, remained in possession and enjoyment of the said land without any hindrance. Although they paid the costs of the land and all other required amounts to the concerned authorities, the Revenue Department did not issue patta in their favour. In the meantime, S.F.No.318 was subdivided into S.Nos.318/1J1A and 318/1J1B, and patta was subsequently issued, without any right whatsoever, in favour of G.D.Narendra in respect of S.No.318/1J1B. Aggrieved thereby, they filed W.P.(MD) No.

23475 of 2018, seeking to call for the records relating to Patta No.1965 issued in respect of lands comprised in S.No.318/1J1B and to quash the same, and consequently praying for the issuance of patta in their favour in respect of the property comprised in S.No.318/1J1

11.The common contention of all the above writ petitioners is that the subject properties were assigned to them by the competent statutory authorities, thereby making them the lawful owners of the said properties. However, all of a sudden, the pattas and assignments issued in their favour were cancelled on 31.08.2012, without issuing any notice to them. Aggrieved thereby, they have filed the present writ petitions challenging Patta No.1965 issued in respect of S.F.No.318/1J1B in favour of G.D. Narendra, the 5th respondent, and seeking a direction to issue patta in respect of Survey Nos.318/1J5, 318/1J10, 318/1J7, 318/1J9, and 318/1J2 to the 1 to 5 writ petitioners, and in respect of S.F.No. 318/1J1 to the 1 to 10 writ petitioners.

12.The legal heir of the Neikaranpatti Zamin, G.D.Narendra, the 5th respondent in the above writ petitions, contended before the writ Court that, under Section 18(1) of the Land Reforms Act, out of a total extent of 4,186.18

acres, an extent of 3,450.23 acres was declared surplus in 1981, while 735.95 acres were excluded under Section 3(22) as permissible holdings under the Act. Despite the final order, patta for the retainable lands was not issued to him. Consequently, the 5th respondent, G.D.Narendra, filed W.P. No. 7441 of 2009, which was allowed; and pursuant to the directions of this Court, patta for an extent of 8.58.0 hectares (21.19 acres) in S.F.Nos.318/2 and 318/1A1 was issued in his favour. As S.F.No.318/2 is classified as *Kammai Puramboke* land (Kanmai), the order of the District Revenue Officer appears to be erroneous. Accordingly, G.D.Narendra filed W.P.(MD) No. 1779 of 2012, which was allowed based on the report of the Sub-Collector, Palani. Consequently, the patta issued for 21.19 acres (8.58.0 hectares) in S.F.Nos.318/2 and 318/1A1 was cancelled, and thereafter Patta No.1965 in respect of S.F.No.318/1J1B was issued in his favour on 30.07.2018. This was affirmed by the Division Bench of this Court in W.A.(MD) No.35 of 2019, dated 02.04.2019.

13.He further contends that the lands in S.F.No.318 and the surrounding survey numbers had been assigned in 2003 and 2005 to various beneficiaries, including all the above writ petitioners, from the surplus lands acquired under the Land Reforms Act. However, upon inspection based on public complaints, it was found that many assignees were neither in possession of the surplus lands nor eligible under the Tamil Nadu Land Reforms Rules, 1962. Consequently, the Assistant Commissioner (Land Reforms) cancelled the assignments on 31.08.2012 under Rule 11 of the said Rules, citing misrepresentation and procedural violations. He further asserts that the cancellation of the assignments dated 31.08.2012 issued to the writ petitioners' has no connection whatsoever with the issuance of Patta No.1965 in his favour on 30.07.2018 for an extent of 21.19 acres (8.58.0 hectares).

14.He further submits that Patta No.1965, dated 30.07.2018, issued in respect of S.F.No.318/1J1B, to an extent of 21.19 acres (8.58.0 hectares), pertains solely to his retainable holdings under Section 3(22) and is excluded from the purview of the Land Reforms Act. He contends that the writ petitioners' have no locus standi to challenge the said patta, as it relates exclusively to permissible holdings and has no connection whatsoever with their assigned surplus lands in Survey No.318, namely, 15 acres (1 to 5 writ petitioners) and 23.30 acres (1 to 10 writ petitioners), which were subsequently subdivided into S.F.Nos.318/1J5, 318/1J10, 318/1J7, 318/1J9, 318/1J2, and no sub-division was made in respect of S.F.No.318/1J1, respectively. All the aforesaid lands are surplus lands acquired under the Land Reforms Act.The writ petitioners have not challenged the assignment cancellation order dated 31.08.2012. Instead, they have chosen to challenge Patta No.1965 issued to him on 30.07.2018 for S.F.No.318/1J1B, which, he asserts, is not governed by the Land Reforms Act. The cancellation of the assignments issued in favour of the writ petitioners in respect of S.F.Nos.318/1J5, 318/1J10, 318/1J7, 318/1J9, 318/1J2, and 318/1J1 has no nexus with the issuance of Patta No.1965 for S.F.No.318/1J1B.

15.It is further contended that no Form E or Form F (F-Patta) was ever issued in respect of the assignments granted to the writ petitioners 1 to 10 in W.P.(MD) No. 23475 of 2018, and that only assignment orders had been made in their favour in respect of S.F. No. 318, to an extent of 23.30 acres. Similarly, in the case of the writ petitioners 1 to 5 in W.P.(MD) No. 23474 of 2018, assignment orders were issued and pattas were subsequently granted in their favour in respect of S.F. Nos. 318/1J5, 318/1J10, 318/1J7, 318/1J9, and 318/1J2, covering a total extent of 15 acres. These assignments and pattas were later cancelled by the Assistant Commissioner (Land Reforms), Madurai, vide MRIV/196/PLN/B2 dated 31.08.2012, in accordance with due process under the Land Reforms Rules. Notably, all the writ petitioners did not challenge these cancellations at the appropriate time but have instead chosen to impugn the patta issued to the 5th respondent, G.D. Narendra, under Patta No. 1965 in respect of S.F. No. 318/1J1B, measuring 21.19 acres.

16. He further contended that the 1 to 10 writ petitioners committed fraud upon the Court by producing fabricated and manipulated documents, including land value challans and kist receipts issued in other persons' names, which were altered to reflect their own names. The 5th Respondent-G.D.Narendra firmly asserts that the patta issued to him was solely for the retainable and excluded lands, as per the directions of this Court in W.P.No.1779 of 2012 dated 25.07.2018 which was affirmed by the Division Bench of this Court in W.A.(MD) No.35 of 2019 dated 02.04.2019, and that the writ petitioners have no legal right or standing to question the same, rendering the present writ petitions not maintainable.

17.The official respondents, being the statutory authorities, particularly the Sub-Collector, Palani, filed separate counter affidavits in W.P.(MD) Nos. 23474 and 23475 of 2018. In all these affidavits, the respondents consistently stated that the writ petitioners were assigned lands in S.F. No. 318, Periyammapatti Village, Palani Taluk, out of the surplus lands declared under the Land Reforms Act, pursuant to the final notification dated 22.07.1981 issued under Section 18(1). These assignments were effected in 2003 and 2005 by the Assistant Commissioner (Land Reforms), Madurai, and pattas were issued to the respective assignees.Subsequently, based on complaints regarding ineligible assignees and violations of the conditions of assignment, including premature sale and non-cultivation, a fresh survey was conducted, followed by detailed enquiries on 03.12.2011 and 02.01.2012. The assignees, including all the writ petitioners, appeared for enquiry on 20.01.2012, which revealed multiple breaches of the assignment conditions. Show cause notices were issued, and after considering the replies and objections, the assignments were cancelled on 31.08.2012 vide R.O.C. No. MRIV/196/PLN/B2.In respect of the writ petitioners 1 to 10, certain documents submitted in the typed set, including receipts for land cost, sub-divisional cost, and land tax, were found to be not genuine. No E-Notice had been issued to them, and no land value was fixed after the issue of the assignment order. Consequently, no land cost had been collected from them, and the extracts of challans submitted purportedly showing payment of land value were found to be fabricated.

18. The official respondents further stated that the 5th respondent, G.D. Narendra, filed W.P. No. 7441 of 2009 and W.P.(MD) No. 1779 of 2012, seeking identification and patta for lands exempted under Section 3(22) of the Land Reforms Act. Pursuant to court directions and after detailed enquiry and examination of revenue reports, the authorities identified 21.19 acres as retention land, excluded from the purview of the Land Reforms Act, and issued patta in his favour in 2012 and again in 2018. The writ petitioners have no connection with Survey Nos. 318/1A1 and 318/2, which were later sub-divided into 318/1J1B, and patta No. 1965 was issued on 30.07.2018 in respect of S.F. No. 318/1J1B, measuring 21.19 acres, in favour of the 5th respondent, G.D. Narendra.The writ petitioners 1 to 5 were assigned and granted pattas in respect of lands measuring 15 acres in Survey No. 318, which were subsequently sub-divided into S.F. Nos. 318/1J5, 318/1J10, 318/1J9, and 318/1J2. Similarly, assignment orders alone were granted to the writ petitioners 1 to 10 in W.P. (MD) No. 23475 of 2018.The official respondents further stated that the writ petitioners were afforded ample opportunity before the cancellation of assignments (1 to 10 writ petitioners) and pattas (1 to 5 writ petitioners), yet they did not prefer any appeal against the cancellation order in R.O.C. No.

MRIV/196/PLN/B2 dated 31.08.2012. Instead, they approached this Court by filing the present writ petitions after a lapse of six years, without any legal basis.

19.The writ Court, considering the facts that the lands originally belonging to Neikaranpatti Zamin were subjected to ceiling proceedings under the Land Reforms Act and surplus lands were assigned to landless poor between 1998 and 2000. The writ petitioners, such assignees, claim to have received possession and pattas, and to be cultivating the lands. Their grievance is that the assignments were cancelled without notice and pattas were issued in favour of 5th Respondent-G.D.Narendra, a member of the erstwhile Zamin family. While the official respondents claim due notice was given and deny possession by assignees-the writ petitioners', the writ Court considered that the cancellation orders arbitrary, violative of natural justice, and a mere formality following the patta granted to the 5th Respondent-G.D.Narendra. The writ Court also raised serious concerns over how the Zamindar's legal heir was allowed to retain 700 acres in violation of ceiling norms. Ultimately, the cancellation orders dated 21.08.2012 issued to the writ petitioners' and patta issued to 5th Respondent-G.D.Narendra were quashed, and the matter was remanded for fresh consideration in accordance with law.

20. Challenging the same, the present writ appeals have been filed by the legal heir of the said G.D.Narendra and the subsequent purchaser, who is said to have purchased the property for valuable consideration from the G.D.Narendra-5th Respondent.

21.Learned counsel for the legal heir of the Zamin, G.D. Narendra, submitted that out of a total extent of 4,186.18 acres, 3,450.23 acres were declared as surplus land under the Land Reforms Act, while 735.95 acres were excluded and retained as permissible holdings under Section 3(22). Although final orders declaring the surplus lands were published by the Government in the Official Gazette dated 22.07.1981, patta for the retainable holdings was not issued. Consequently, G.D.Narendra was constrained to file W.P. No.7441 of 2009 seeking issuance of patta for his permissible holdings. This Court allowed the writ petition on 22.04.2009 and directed the RDO, Palani, to consider G.D.Narendra's claim within twelve weeks, who, rejected the claim. Therefore, G.D.Narendra field appeal to District Revenue Officer, Dindigul to consider his claim for issuance of patta. Accordingly, the DRO, Palani by proceedings in

Na.Ka.No. 41330/2012/A4 dated 02.07.2012, directed issuance of patta in the name of G.D.Narendra in Periyammapatti Village in S.F.No.318/1A1 and 318/2 which was passed based on the report filed by the Assistant Commissioner (Land Reforms), Madurai in Na.Ka.No.AA2/MRIV/196 dated 28.06.2012. Out of 244.10 acres in S.F.No. 318/1, an extent of 222.91 acres had been declared surplus, for which G.D. Narendra had received compensation. As he was entitled to patta for 21.19 acres in S.F.No. 318/1, the DRO, however, erroneously issued patta in S.F.No. 318/2, which is classified in the revenue records as “Kummalam Paaraikulam” – a kanmai – unfit for cultivation or any other use. Aggrieved, he made a representation dated 27.06.2018 to the District Collector, but no orders were passed. Before filing the said representation dated 27.06.2018, he filed W.P. (MD) No. 1779 of 2012, this Hon’ble Court, by order dated 25.07.2018, directed the respondents to issue patta in S. No. 318/1J1B instead of S.No.318/1A1 and S.No.318/2, based on the inspection report and enquiry conducted by the Sub-Collector, Palani, in proceedings Na.Ka.No. 1458/2009/A5 dated 18.07.2018. Pursuant thereto, the DRO, by proceedings No.41330/2009/D6 dated 30.07.2018, issued Patta No. 1965 in respect of S. No. 318/1J1B to an extent of 21.19 acres (8.58.0 hectares).

22.It was further submitted that portions of lands measuring 15 acres in Survey No.318, which were subsequently subdivided into S.F.Nos. 318/1J5, 318/1J10, 318/1J9, 318/1J2 and 318 were assigned in 2003 and 2005 to various individuals, including the 1 to 10 writ petitioners and 1 to 5 writ petitioners, respectively, from the surplus lands; however, pursuant to public complaints and a detailed enquiry, it was revealed that several assignees were either not in possession or otherwise ineligible under the Tamil Nadu Land Reforms Rules, 1962. Accordingly, the Assistant Commissioner (Land Reforms) cancelled such assignmentsby proceedings in MR/IV/196/PLN/B2 dated 31.08.2012 under Rule 11 to an extent of 15 acers and 23.30 acers, citing misrepresentation and breach of conditions. He further submits that the said cancellation proceedings have no nexus whatsoever with the patta granted to G.D.Narendra vide Patta No.1965 dated 30.07.2018 for an extent of 21.19 acres in S.F.No.318/1J1B, which pertains solely to the exempted lands retained under Section 3(22) of the Land Reforms Act. He submitted that all the writ petitioners, whose claims pertain to different sub-divisions viz., S.F.Nos. 318/1J5, 318/1J10, 318/1J7, 318/1J9, 318/1J2 and 318/1J have not chosen to challenge the cancellation of assignment orders in MR/IV/196/PLN/B2 dated 31.08.2012, but have instead questioned the patta issued in favour of the G.D.Narendra, despite having no legal right, title, or interest over the said S.F.No.318/1J1B retainable land which was excluded under Section 3(22) of the Land Reforms Act.

23.He further contended that the 1 to 10 writ petitioners in W.P.(MD) No. 23475 of 2018 had produced fabricated and manipulated revenue documents, including tampered land value challans and kist receipts, with the intent to mislead the Court. It was his categorical submission that the patta granted to the 5^{th} respondent- G.D.Narendra, was lawfully issued pursuant to the directions of this Court in W.P.(MD) No.1779 of 2012, dated 25.07.2018. Some of the assignees of surplus land, whose assignments had been subsequently cancelled, challenged the order passed in W.P.(MD) No.1779 of 2012. However, the Division Bench of this Court in W.A.(MD) No.35 of 2019, by order dated 02.04.2019, affirmed the order passed in W.P.(MD) No. 1779 of 2012 dated 25.07.2018. Therefore, the present writ petitions are not only devoid of merit but were also filed with malafide intent, suppressing material facts. However, the learned Single Judge, without appreciating these vital aspects, improperly allowed the writ petitions and set aside the patta granted in favour of the 5^{th}respondent, G.D. Narendra. Aggrieved by the said order, the present writ appeals have been preferred.

24.Learned senior counsel for the subsequent purchaser, (appellant in W.A.(MD) No.695 and 1117 of 2024) would submit that she had acquired the subject property by virtue of a duly registered sale deed in Documents No. 2288/2018 dated 27.08.2018 on the file of the Joint-II, Sub-Registrar, Palani, executed by G.D.Narendra, the 5th Respondent and subsequently, she purchased property from the legal heir of G.D.Narendra in Document No.3202/2020 dated 11.11.2020 on the file of the Joint-II, Sub-Registrar, Palani, for valid and lawful consideration, thereby acquiring absolute, indefeasible, and bona fide title to the said property. It was contended that all the writ petitioners, who were allegedly assigned different portions of surplus lands, have not even assailed the cancellation orders dated 31.08.2012, which were passed after due enquiry and following the procedure prescribed under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1962. Despite remaining passive and acquiescent for over six years, the writ petitioners have now approached this Court, invoking its extraordinary jurisdiction under Article 226 of the Constitution of India, without offering any explanation for the inordinate delay and with gross suppression of material and relevant facts, thereby abusing the process of law and the judicial forum.

25.Learned Senior Counsel further submitted that the subject property in S.F.No.318/1J1B purchased by the appellant bears no legal or factual nexus with the surplus lands assigned and patta issued to 1 to 5 writ petitioners and it were far away from the subject property in respect of surplus lands in S.F.Nos. 318/1J5, 318/1J10, 318/1J9 and 318/1J2 which was also subsequently cancelled on 31.08.2012.Moreover, no surplus lands were handed over and sub-divisions were made in respect of S.F.No.318 to the 1 to 10 writ petitioners as per assignment order dated 11.05.2005 in M.R/196/Palani/AA2 and thus, they have no *locus standi*, enforceable legal right, or cause of action to question the validity of the appellant's title or interfere with her peaceful possession and enjoyment thereof. Learned senior counsel emphasized that the appellant is a bona fide purchaser for value without notice of any alleged infirmities, and her rights are protected not only under civil law but also by the settled principles of equity and justice. However, the impugned order of the learned Single Judge, rendered without proper appreciation of the factual matrix and applicable legal principles, is now being invoked by the writ petitioners in an attempt to unsettle the appellant's vested rights.

26.He further submitted that the writ Court failed to appreciate that the indirect challenge, made after a lapse of six years, amounts to suppression of material facts and playing fraud upon the Court.

27.Learned counsel for all the writ petitioners, (the 1 to 5 respondents and 1 to 10 respondents herein in the above writ appeals) would submit that ever since the date of assignment of surplus lands, the writ petitioners have been in continuous possession and enjoyment of the assigned surplus lands. However, without issuing any prior notice or affording an opportunity of being heard, the patta granted in respect of 1 to 5 writ petitioners in S.F.Nos. 318/1J5, 318/1J10, 318/1J7, 318/1J9, and 318/1J2 and in respect of 1 to 10 writ petitioners, the assignments in S.F.No.318/1J1 were arbitrarily cancelled, amounting to a clear violation of the principles of natural justice. He further submit that proceedings under the Land Reforms Act were initiated, pursuant to which surplus lands came to vest with the Government. From out of such surplus lands, assignments were granted in favour of landless poor, and the writ petitioners are among such assignees, and patta were granted in S.F.Nos. 318/1J5, 318/1J10, 318/1J7, 318/1J9 to the 1 to 5 writ petitioners, and assignments were issued in respect of 1 to 10 writ petitioners in S.F.No.318.

The writ petitioners assert that possession was duly handed over to them and that patta and assignments were issued accordingly. They continue to cultivate the said lands. Their grievance is that the assignments and pattas were cancelled all of a sudden behind their backs on 31.08.2012, without any notice or enquiry, thus depriving the writ petitioners of their rights over the property.

28.He further submits that up to 2018, the patta and assignments in respect of the said surplus lands had been held by these writ petitioners, and the patta stood in the names of the writ petitioners only. However, all of a sudden, without any notice or any proceedings, Patta No.1965 was granted in favour of G.D.Narendra in respect of the very same property. Further, pattas were subsequently issued in favour of G.D.Narendra, a member of the erstwhile Neikaranpatti Zamin family. Therefore, the writ petitioners challenged the Patta No.1965 issued in respect of S.F.No.318/1J1B in favour of G.D.Narendra, the 5th Respondent in the writ petition. In the above circumstances, the learned counsel appearing for the writ petitioners prayed for dismissal of the present writ appeals.

29. The official respondent in the above writ appeals, namely, the

Revenue Divisional Officer, Palani, has filed separate counter affidavits in W.A.(MD) Nos. 1572 and 1573 of 2023, affirming the counter affidavits filed by the Sub-Collector, Palani, in W.P.(MD).Nos.22474 and 22475/2018. It is stated therein that the writ petitioners were assigned surplus lands in S.F.No. 318, Periyammapatti Village, in 2003 and 2005 by the Assistant Commissioner (Land Reforms), Madurai, with pattas issued accordingly. Upon receiving complaints regarding ineligible assignees and violations such as premature sale and non-cultivation, a survey and enquiries conducted in late 2011 and early 2012 revealed breaches by all the assignees, including the writ petitioners. Show cause notices were issued, objections were considered, and the assignments were cancelled on 31.08.2012. The documents filed by petitioners 1 to 10 claiming payment of land value were found to be bogus. The 5threspondent in the writ petitions(G.D.Narendra), separately obtained patta for 21.19 acres of retention land excluded under Section 3(22) of the Land Reforms Act, which is unconnected to the writ petitioners' surplus lands. The said official respondent have further emphasized that the writ petitioners were given due opportunity prior to the cancellation, did not prefer any appeal, and have approached this Court after a lapse of six years without any valid grounds.

30.Heard the learned counsel appearing for the parties, perused the pleadings, documentary evidences, and reports furnished in the form of typed sets of papers, and examined the connected revenue records produced by the official respondents from the Revenue Department along with their counter affidavits.

31.Before delving into the merits of the present case, it is necessary to first examine the statutory scheme and the relevant provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (in short, "the Land Reforms Act"), which governs the subject matter under consideration. The said enactment was introduced with the primary objective of ensuring the equitable distribution of agricultural land by imposing a ceiling on the extent of land that can be held by an individual or a family unit and distributing the excess land to the landless and other eligible members of the rural population. The legislation is a welfare-oriented measure aimed at preventing the concentration of land in the hands of a few and facilitating the redistribution of surplus land to landless and marginal farmers, subject to the strict conditions prescribed under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Rules, 1962 (in short, "the Land Reforms Rules") framed thereunder.

32. In this context, the Land Reforms Act prescribes ceiling limits for different categories of landholders and provides a detailed mechanism for the identification, declaration, acquisition, and redistribution of surplus lands, as well as for the retention of permitted holdings. It also governs lands excluded from the ceiling, including those not used for agricultural purposes, insofar as they fall within the purview of the Land Reforms Act. Various procedural safeguards and definitional clauses are embedded within the said Act to ensure compliance with constitutional mandates and to strike a balance between public interest and private rights.

33.The Government of Tamil Nadu has resolved to enact legislation prescribing the maximum extent of agricultural land that a person may hold. This ceiling applies to all agricultural lands held by any person and extends only to lands capable of being used for agricultural purposes. The Land Reforms Act does not apply to urban lands that are not used for agricultural purposes. Therefore, in order to effectively adjudicate upon the claims and counterclaims, and to address the serious concerns expressed by the writ Court as to how the Zamindar's legal heir was permitted to retain 700 acres in violation of the ceiling norms, it is imperative to examine the underlying legislative intent, the scope of the statutory provisions, and their applicability to the facts and circumstances of the present case. The following provisions are essential for determining the issues involved herein.

34.As per the Land Reforms Act, as amended in 1970, the ceiling area prescribed under Section 5 for every person is 15 standard acres. The term "person," as defined under Section 3(34), includes any company, family, firm, society, or association of individuals, whether incorporated or not. The word "land" is defined in Section 3(22) to mean agricultural land, i.e., land which is used or is capable of being used for agricultural purposes or purposes subservient thereto. Section 7 is the operative provision, which lays down that, on and from the date of commencement of the Land Reforms Act, no person shall be entitled to hold land in excess of the ceiling area. Section 8 relates to the furnishing of returns by persons holding land in excess of the ceiling area, while Section 9 deals with the collection of information. Section 10 provides for the preparation and publication of a draft statement in respect of land held in excess of the ceiling area. Section 11 empowers the Authorised Officer to decide questions of title in certain cases, and Section 12 provides for the publication of the final statement.

35.The next relevant provision is Section 18, which enables the Government to take over surplus land in terms of the final statement published under Section 12 or Section 14. Section 18-B confers power on the Government to modify the notification issued under Section 10(1) consequent upon corrections made under Section 15. Section 18-C empowers the Government to cancel or modify notifications issued under Section 18(1) in certain circumstances. Sections 18-D and other consequential provisions relate to the divesting and vesting of land that is either excluded or newly included, as the case may be. In cases where the provisions of the Land Reforms Act are invoked, the surplus land shall be deemed to have been acquired for a public purpose and shall vest in the Government, free from all encumbrances, from the date of commencement of the said Act, but only after the publication of the notification under sub-section (1) of Section 18.

36. Before proceeding further, it is necessary to briefly refer to the procedural framework under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Rules, 1962, which govern the implementation of land ceiling laws.

The Rules prescribe the filing of returns by landowners (Rule 3), verification and enquiry by the Authorised Officer (Rules 4 to 6), issuance of notices and publication of draft and final statements identifying surplus land (Rules 5, 8, and 9), and the procedure for taking possession (Rule 11). They also provide for maintenance of registers (Rule 12), assignment of surplus land (Rule 13), and appellate remedies (Rule 15). These safeguards ensure compliance with the principles of natural justice before declaring any land as surplus.

37.Now, adverting to the procedural framework under the Land Reforms Rules, it is incumbent upon the authorities to ensure strict compliance with the prescribed statutory mechanism for any lawful and sustainable assignment of land. Rule 3 mandates the preparation and maintenance of accurate records reflecting the persons in possession of land as on 15.02.1970, which forms the foundational basis for further proceedings. Pursuant thereto, a Form B notice is statutorily required to be issued to call for applications from eligible persons. Following this, an enquiry must be duly conducted in accordance with Form D, culminating in the proposed assignment under Rule 8.Upon such assignment, the competent authority is required to serve a Form E notice demanding payment of the requisite consideration. It is only after full and proper remittance thereof that a Form-F Patta may be issued thereafter only after making sub-division, the surplus land will be handed over to the assiginees. It is pertinent to note that if any of the conditions violated, the assignment will be cancelled with due process of law under Rule 11. The issuance of such patta is not a mere formality but a conclusive act by which the land vests absolutely in the assignee, as per Rule 9. Absent such compliance, no legal or enforceable rights can be said to accrue in favour of the purported assignee.

38.Further, Rule 11 confers overriding powers upon the Government to cancel or modify any assignment within a period of five years, if it is found that the assignment was inequitably granted, contravenes the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, or is vitiated by non-compliance with the mandatory conditions stipulated under Rule 8. The said power may be exercised either suo motu or upon appropriate representation, and any assignment in violation of these statutory prescriptions is liable to be set aside in law.

39.In light of the aforesaid statutory provisions, and upon perusal of the pleadings and the relevant revenue records, it stands as an undisputed fact that the Government had initiated proceedings under the Land Reforms Act, culminating in the issuance of a notification under Section 18(1) as early as 22.07.1981. As on that date, G.D.Narendra, (the 5th respondent in W.P.(MD) Nos. 23474 and 23475 of 2018), was found to be in possession and enjoyment of a total extent of 4,186.61 acres of land, out of which 3,450.23 acres were declared as surplus under Section 12 of the Land Reforms Act. The land situated in S.F.No.318 formed part of the surplus land covered under the notification dated 22.07.1981 issued under Section 18(1). The remaining extent of 735.95 acres was retained by G.D.Narendra as part of his permissible holding under Section 3(22) of the Land Reforms Act and was specifically excluded from the purview of the said notification on the ground that these lands were not fit for cultivation. These lands are situated in the villages of Periyammapatti, Chitharevu, West Thathanayakkanpatti, and Ravimangalam in Palani Taluk.

40.As per the final notification dated 22.07.1981, issued under Section 18(1) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, and published in the Tamil Nadu Government Gazette, the following particulars were recorded:-

S.No.	Particulars	Extent (Acres)	Remarks
(i)	Total extent of land held by G.D. Narendra in *Namuna 6 – Form* under Section 10(1)	4,271.20	-
(ii)	Extent of land allowed to be retained as per final statement under Section 12, reflected in Form 12 (published on 28.02.1981)	48.43	Retainable land
(iii)	Extent of tope land exempted under Section 73(vii) r/w Annexure I to Form No.6 (Annexure-H) under Section 10(1)	36.59	Exempted land
(iv)	Extent of proposed surplus land under Section 10(1), as per Form No.6 (Annexure-A)	4,186.61	Proposed surplus
(v)	Extent of surplus land taken possession under final statement in Form 12 dated 28.02.1981	3,450.23	Surplus land taken over
(vi)	Extent confirmed as surplus in Final Notification in G.O.Ms. No.1389, Revenue, dated 11.06.1981, published on 22.07.1981	3,450.23	Surplus confirmed
(vii)	Extent excluded and retainable under Section 3(22) as per publication under Section 10(5) dated 23.09.1970.	1,075.65	Retainable/ Excluded from Land Reforms Act
(viii)	Actual extent handed over as retainable and excluded land under Section 3(22) as per above (vii).	735.95	Retainable/ Excluded from Land Reforms Act

41.The balance extent of 735.95 acres stood classified as "excluded" and "retainable holdings" within the meaning of Section 3(22) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, on the specific ground that the said lands were incapable of cultivation and, therefore, did not fall within the statutory ambit of the Land Reforms Act. Consequently, the said extent was neither vested with the Government as surplus land under the provisions of the Act nor was any compensation determined or disbursed in respect thereof to the 5th respondent, G.D. Narendra, who continued to hold the same as of right. The aforesaid factual position is borne out by the contemporaneous revenue records of irrefutable authenticity and stands duly and unequivocally affirmed in the separate counter affidavits filed by the Sub-Collector, Palani, and the Revenue Divisional Officer, Palani.

42.In view of the above, the concern expressed by the writ Court over how the Zamindar's legal heir was allegedly permitted to retain 700 acres in violation of the ceiling norms - along with its observation that, when confronted with something fundamentally illegal or shocking to the judicial conscience, the Court cannot turn away - is wholly misconceived. The authorities had acted strictly in accordance with law, and the records unequivocally establish that the retention of 735.95 acres by the erstwhile Zamindar's family was neither arbitrary nor illegal. The assumption of the writ Court that the authorities failed to act or overlooked an illegality is unfounded and untenable.

43.The revenue records and the final notification issued under Section 18(1) of the Land Reforms Act by the Government of Tamil Nadu, dated 22.07.1981, clearly show that the said extent of 735.95 acres was lawfully classified as exempted and retainable holdings under Section 3(22) of the Act, on the ground that the lands were not fit for cultivation and, therefore, fell outside the scope of the Land Reforms Act. This extent was neither taken over as surplus land nor was any compensation payable. Accordingly, the findings and views of the writ Court regarding the alleged illegal retention of a vast extent of land are erroneous and contrary to the provisions of the Land Reforms Act.

44.G.D.Narendra addressed a request to the Assistant Commissioner of Land Reforms, Madurai, seeking release of the lands and re-transfer of patta in respect of the balance extent of 735.95 acres, which had been classified as exempted and retainable holdings under Section 3(22) of the Act, on the ground that the said lands were not fit for cultivation and, therefore, did not fall within the purview of the Land Reforms Act. This extent was neither taken over as surplus land nor was any compensation paid to G.D. Narendra, the fifth respondent in the said writ petitions. Pursuant to his request, the Assistant Commissioner of Land Reforms, by proceedings in Pro.Roc.No.G1/801/2004, dated 15.06.2004, ordered the release of an extent of 108.51.0 hectares in S.F.No.455/3 of Periyammapatti Village in Palani Taluk.

45.Notwithstanding the fact that final orders were passed declaring the surplus lands by Government Notification published in the Official Gazette dated 22.07.1981 and said proceedings dated 15.06.2004, the authorities failed to issue patta in respect of balance permitted retainable holdings to the said G.D. Narendra. Consequently, he filed W.P. No.7441 of 2009, seeking issuance of patta for the lands eligible to be retained. This Court, by order dated 22.04.2009, allowed the said writ petition and directed the revenue authorities to consider his claim for patta. Pursuant to the said direction, the District Revenue Officer (DRO), Dindigul, by proceedings in Na.Ka.No.41330/2009/A4 dated 02.07.2012, based on the report of the Assistant Commissioner (Land Reforms), Madurai, in Na.Ka.AA2/MR4/196 dated 28.06.2012, passed an order directing issuance of patta in favour of G.D. Narendra for the land in S. No. 318/1A1 and 318/2, to an extent of 21.19 acers situated in Periyammapatti Village.

46.As seen from the revenue records filed in the typed set of papers, out of the total extent of 244.10 acres in S.F.No.318/1, an extent of 222.91 acres was declared as surplus, and G.D.Narendra was entitled to patta for the balance extent of 21.19 acres within the said survey number. However, the land covered in S.F.No.318/2, noted as "Kummalam Paarai Kulam" (KanmaiPorambokku), is classified as a *kanmai* (water body) in the revenue records and is not fit for cultivation or for any other usage. In view of the above, G.D. Narendra submitted a representation dated 27.06.2018 to the District Collector, Dindigul, seeking appropriate rectification despite that no orders were passed on the said representation. However, before filing the said representation dated 27.06.2018, G.D.Narendra filed W.P.(MD) No. 1779 of 2012 and, in his written submissions dated 16.07.2018, he pointed out that since S.F.No.318/2 was shown as "Kanmai" during the UDR survey, he sought allotment of alternate land in the same field to the same extent, for which he had been granted exemption under the Land Reforms Act.

47.Pursuant to the direction of this Court dated 25.07.2018, and as his representation was already under consideration, the official respondents conducted a detailed enquiry. The Sub-Collector, Palani, submitted his report to the District Revenue Officer, Dindigul, recommending suitable action. The District Revenue Officer accepted the recommendation vide Na.Ka.No. 1458/2009/A5 dated 18.07.2018. Accordingly, the DRO passed proceedings in Roc.No.41330/2009/D6 dated 30.07.2018, ordering issuance of patta in S.F.Nos.318/1A1 and 318/2, while cancelling the patta for S.F.No.318/2. The sub-divisions in S.F.Nos. 318/1A1 and 318/1A2 were merged as S.F.No. 318/1A. The surplus land in S.F.No.318/1J1 (73.95.5 hectares) was further subdivided into S.F. Nos. 318/1J1A and 318/1J1B. In S.F.No.318/1J1B, an extent of 8.58.0 hectares (21.19 acres) was ordered to be transferred in the name of G.D.Narendra. Accordingly, necessary mutations were effected in the revenue records, resulting in the following changes:

(a) S.F. Nos. 318/1A1 and 318/1A2 merged as S.F. No. 318/1A = 5.05.5 hectares;

(b) S.F. No. 318/1J1 subdivided into 318/1J1A = 65.37.5 hectares, and

318/1J1B = 8.58.0 hectares (21.19 acres).

48.In consequence of the proceedings of the District Revenue Officer, Dindigul, in Na.Ka.No. 41330/2009/D6, dated 30.07.2018, Patta No.1965 was issued in the name of G.D. Narendra, the fifth respondent herein, for an extent of 21.19 acres (equivalent to 8.58.0 hectares) in S.F.No.318/1J1B. The issuance of the said patta was preceded by detailed field inspections and enquiries conducted by various revenue officials, including the District Revenue Officer, who, upon verification of the relevant revenue records, concluded that the land in question formed part of the permissible retainable holdings of the fifth respondent and was not hit by the provisions of the Land Reforms Act. Consequently, the District Revenue Officer, by the aforesaid proceedings, ordered the grant of patta in favour of G.D.Narendra, which was accordingly issued as Patta No.1965. As the issuance of the said patta was in conformity with Land Reforms Act and supported by official records, the findings of the writ Court in setting aside Patta No.1965 is wholly erroneous and contrary to the materials on record.

49.The above indisputable facts are traceable from the revenue records and are duly supported by the separate counter affidavits filed by the official respondents. Accordingly, the impugned order passed in W.P.(MD) Nos. 23474 and 23475 of 2018, dated 23.06.2022, is *per incuriam*, inasmuch as the writ Court rendered its findings without considering the relevant statutory provisions of the Land Reforms Act and the earlier orders of this Court in writ petitions filed by G.D. Narendra, which are directly applicable to the case on hand. Therefore, without going into the factual foundation on which the patta was granted, the writ Court misdirected itself in arriving at its conclusion. The impugned order, having set aside Patta No. 1965, is therefore unsustainable in law, contrary to the provisions of the Land Reforms Act, and liable to be set aside.

50.Before adverting to the claim of the writ petitioners, to the effect that no notice was issued prior to the cancellation of their assignment and patta, it is relevant to note that in 2019, K.Srinivasan and four others filed W.A.(MD) No. 35 of 2019 before this Court, challenging the order passed in W.P.(MD) No. 1779 of 2012, dated 25.07.2018, on the ground that Patta No.1965 had been issued in favour of G.D.Narendra after allegedly cancelling their assignment dated 17.04.2003. The appellants contended that they had preferred an appeal before the District Revenue Officer (DRO) challenging the cancellation of their assignment; however, before the disposal of the said appeal, Patta No.1965 had already been issued in favour of G.D. Narendra, the writ petitioner in W.P.(MD) No.1779 of 2012.

51.The said writ appeal was disposed of by granting liberty to the appellants to pursue the statutory appeal already filed by them, based on the submissions made by both sides, including the learned counsel representing the Revenue Department. As fairly admitted by all the parties concerned, the Division Bench of this Court concluded that the surplus lands assigned to the appellants were distinct and different from the lands excluded under Section 3(22) of the Land Reforms Act, as reflected in Patta No.1965 issued to G.D. Narendra, and that they had no right, title, or interest over the lands comprised in Survey Nos. 461 and 318/1J1B. The Division Bench further held that "*….no interference in the order of the learned Single Judge is required…..*"and accordingly affirmed order dated 25.07.2018 passed in W.P.(MD) No.1779 of 2012.

52.Similarly, other assignees, to whom the portions of the said surplus lands assigned, had also approached this Court by way of writ petitions seeking identical reliefs. For instance, in W.P.(MD) No. 292 of 2013 filed by one Tamilarasi, W.P.(MD) No. 17554 of 2017 filed by one N. Manigandan, and W.P.(MD) No. 20087 of 2017 filed by K.Raja and four others, the said assignees/petitioners sought to restrain the respondents from interfering with their peaceful possession and enjoyment of lands comprised in Survey Nos. 441/49 and 441/50 situated at Periyammapatti Village, Palani Taluk, Dindigul District, as well as to quash the proceedings of the Assistant Commissioner, Land Reforms, Madurai, in MRIV/196/Palani/AA2 dated 30.08.2012 and DRO proceedings Na.Ka.41330/2009/D6 dated 30.07.2018, pursuant to which patta had been issued in favour of G.D.Narendra. Upon the filing of a categorical counter affidavit by the Land Reforms authorities, duly fortified by supporting revenue records, it was specifically averred that the lands in question had no connection whatsoever with the retainable holdings or excluded lands as defined under Section 3(22) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, in respect of which Patta No.1965 had been granted to G.D. Narendra. In light of such stand of the official respondents, the said writ petitions were not pursued further and were consequently withdrawn on 27.10.2015, 14.11.2017, and 18.12.2018, respectively.

53.Insofar as the present writ petitioners in W.P.(MD) No.23474 and 23475 of 2018 in the case on hand are concerned, the situation stands on an entirely different footing, as their claim rests upon misrepresentation, forged documents, and manipulation of revenue records, as is evident from the materials on record. It is seen that the writ petitioners claim assignment and patta in respect of surplus lands, which were subsequently cancelled on 31.08.2012, and they are now seeking to assert rights on the strength of misrepresentation, fabricated documents and tampered revenue entries, as clearly established by the following findings.

54.The writ petitioners have filed the present writ petitions in W.P.(MD) Nos.23474 and 23475 of 2018 seeking to call for the records pertaining to the proceedings in respect of the lands comprised in S.No.318/1J1B, situated at Periyammapatti Village, Palani Taluk, Dindigul District, covered under Patta No.1965, and to quash the same; and consequently, to direct the revenue authorities to issue patta in favour of the 1 to 5 writ petitioners in respect of the lands comprised in S.F.Nos.318/1J5, 318/1J10, 318/1J7, 318/1J9 318/1J2; and 1 to 10 writ petitioners in respect of S.F.No.318/1J1, situated in Periyammapatti

Village, Palani Taluk, Dindigul District.

55.It is on record that an extent of 3,450 acres of land situated in and around Palani Taluk was declared as surplus, and a final notification under Section 18(1) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, was published on 22.07.1981. The surplus lands were taken over by the Government, and their classification in the revenue records was mutated as "Surplus Lands." The Assistant Commissioner (Land Reforms), Madurai, also initiated proceedings to assign the surplus lands to landless poor agricultural labourers. The surplus land in S.F. No.318 was one among those covered under the said Section 18(1) notification, and an extent of 240.29 acres therein was declared surplus in terms of the said notification and rest of the lands to an extent of 21.19 acers covered with stony area and covered under Section 3(22) of the Land Reforms Act have not been declared as surplus and left out from fixation of land ceiling proceedings. All the writ petitioners were assigned lands from surplus land in S.F.No.318 from an extent of 240.29 acers.

56.In respect of the 1 to 5 writ petitioners in W.P.(MD) No.23474 of 2018, the assignments were granted in the surplus lands comprised in S.F.No.

318 of Periyammapatti Village by the Assistant Commissioner (Land Reforms), Madurai, in proceedings Roc.No.MRIV/196/B2 dated 29.08.2003. Pursuant to the assignments, the said surplus lands were subdivided, and patta was mutated in the revenue records as follows:-

S.No.	S.F.Nos.	Extent	Patta No. Allotted	Name of the assignee / Petitioner in W.P.(MD) No.23474 of 2018
1	318/1J5	1.21.5	1491	M.Sivakumar 1st Writ Petitioner
2	318/1J10	1.21.5	1496	K.Chellammal. 2nd Writ Petitioner
3	318/1J7	1.21.5	1493	M.Jothiyammal. 3rd Writ Petitioner
4	318/1J9	1.21.5	1495	M.Ravikumar. 4th Writ Petitioner
5	318/1J11	1.21.5	1488	K.Muniappan. 5th Writ Petitioner
Total		15 acers or 6.07.5 Hectares		

57.The above tabulated statement, as drawn from the separate counter affidavits filed by the Sub-Collector in W.P.(MD) No.23474 of 2018 and the counter affidavit filed by the District Revenue Officer, Dindigul, in the present W.A.(MD) No.1572 of 2023, is corroborated by the revenue records. The entire extent of surplus land, measuring 240.29 acres, was assigned in favour of 99 persons, including the 1 to 5 writ petitioners, vide proceedings of the Assistant Commissioner (Land Reforms) in MRIV/196/Palani/B2, on various dates, namely, 29.08.2003, 17.04.2004, and 11.05.2005.

58.In the meantime, during the year 2011-2012, it was brought to the notice of the Government by the Tamil Nadu Vivasayeegal Sangam that certain ineligible persons had obtained assignment orders in respect of lands in Periyammapatti Village and had sold the assigned lands to well-to-do persons before the expiry of twenty years, thereby committing a breach of the conditions of assignment. During the Assembly Session of 2011–2012, the Minister for Revenue announced that the surplus lands declared under the Land Reforms Act in Periyammapatti Village would be surveyed afresh and assigned to eligible persons. Owing to multiple complaints received from various quarters, the District Administration deputed a team of surveyors, and the entire surplus lands in Periyammapatti Village were surveyed. Enquiries were also conducted by the Revenue Divisional Officer, Palani, to ascertain the status of the lands.

59.In the course of the enquiry, 73 ineligible assignments, including those held by the 1 to 5 writ petitioners, were identified. It was further ascertained that some assignees had failed to bring the lands under cultivation from the inception, while others had violated the conditions of assignment. Consequently, the Assistant Commissioner (Land Reforms), Madurai, submitted a detailed report to the Commissioner of Land Reforms, Chennai, in Roc.No.196/Palani/B2, dated 03.12.2011. Thereafter, the Assistant Commissioner (Land Reforms), Madurai, initiated proceedings to cancel the said assignments, after following the procedure prescribed under the rules, in which the 1 to 5 writ petitioners were also included.

60.It is on record, as borne out from Paragraphs 6, 7, and 8 of the counter affidavit filed by the Sub-Collector, Palani, in W.P.(MD) No.23474 of 2018, and Paragraphs 10, 11, and 12 of the counter affidavit filed by the Revenue Divisional Officer, Palani, in W.A.(MD) No.1572 of 2023, as well as from the show cause notice enclosed in the typed set of papers that, show cause notices in Roc.No.MRIV/196/Palani, dated 02.01.2012, were issued to the 1 to 5 writ petitioners. They appeared for enquiry on 20.01.2012, filed their statements, and were afforded an opportunity of personal hearing to submit their objections.

61.Based on the detailed enquiry report submitted to the Commissioner of Land Reforms, Chennai, in Roc.No.196/Palani/B2, dated 03.12.2011, and upon further enquiry conducted by the Assistant Commissioner (Land Reforms), Palani, it was revealed that the father of the writ petitioners was a retired Government servant drawing pension and owning other lands, and therefore did not fall within the category of "landless poor." The 1 to 5 writ petitioners in W.P.(MD) No.23474 of 2018 were all sons and daughters of the same family. Accordingly, the Assistant Commissioner (Land Reforms), Madurai, cancelled their assignments by order dated 31.08.2012 in Roc. No. MRIV/196/PLN/B2, which was duly served on them.

62.The said writ petitioners did not prefer any appeal against the cancellation of assignment order in R.oc.No.MRIV/196/PLN/B2 dated 31.08.2012 before the appellate forum but, instead, filed W.P.(MD) No.23474 of 2018 after a lapse of sixyears. The relevant paragraphs, as culled from the counter affidavits filed by the Revenue Department and corroborated by the revenue records, are reproduced below:-

“Paragraphs 6, 7, and 8 of the counter affidavit filed by the Sub-Collector, Palani, in W.P.(MD) No.23474 of 2018 are extracted below:-

6.I humbly submit that due to multiple complaints from various corners, a team of surveyors were allotted by District Administration and the entire surplus lands of Periammapatty village were surveyed. Enquires were also made by Revenue Divisional Officer, Palani to ascertain the status of land. 73 ineligible assignments were identified. It was also ascertained that some of the assignees had not put the land for cultivation from the initial stage itself. Some others had violated the conditions of assignment. Hence a detailed report was submitted to the Commissioner of Land Reforms, Chennai by the Assistant Commissioner (LR) Madurai in his Roc. No. 196/Palani /B2, dated 3.12.2011. Subsequently action was initiated by the Assistant Commissioner (LR) Madurai to cancel the assignment after following the Rules. The writ petitioners are also among them.

7. I humbly submit that before cancellation, Show Cause Notices were issued to the assignees vide MRIV/196/Palani dated 02.01.2012. The assignees appeared for enquiry on 20.01.2012 and filed their statements. Writ petitioners are also attended enquiry and filed their statements. It was ascertained that the father of the writ petitioners is a retired Government servant who is getting pension and is having some other Lands. He is not fall under the category of landless poor. The writ petitioners are all sons/daughters of him. Hence these assignments were cancelled after affording due chances to them and cancellation orders were issued an 31.08.2012 in ROC No.MRIV/196/PLN/B2 and served on the writ petitioners.

8. I humbly submit that aggrieved to the said order no petitioners filed Appeal before the 2nd Respondent. But they filed this writ petition after a period 5 years which cannot be considered before Limitation Act and entire contention deserves no consideration.

Paragraph No.10, 11 and 12 of the counter affidavit filed by the Revenue Divisional Officer, Palani in W.A.(MD) No.1572 of 2023 are extracted below:-

10.I respectfully submit that the 1 to 5 Respondent/writ petitioners were issued show cause notices on 02.01.2012 in MRIV/196/Palani and enquired the Respondents/1to 5 writ petitioners after affording sufficient time and heard. During the course of enquiry the 1 to 5 Respondents/Writ Petitioners herein were attended and filed their objections before the Assistant Commissioner (Land Reforms) Madurai by suppressing lot of facts.

11.I respectfully submit that the father of the 1 to 5 Respondents/Writ Petitioners is a retired Government servant getting pension and the respondents/writ petitioners owned some other lands in S.No.243/3, 239/5A, 243/2A2, 234/2A1 and 240/1B in Periyammapatti Village. Further all of the 1 to 5 Respondents/Writ Petitioners belonging to same family and deceived the Government officials and obtained the surplus land Assignment in favour of them. Hence, the assignments were cancelled after affording sufficient opportunity and cancellation order were issued by the Assistant Commissioner (Land Reforms) Madurai on 31.08.2012 in Roc.No.MRIV/196/PLN/B2 and served to the 1 to 5 Respondents/Writ Petitioner.

12. I respectfully submit that aggrievate to the afore said order the 1 to 5 Respondents/Petitioners had not filed any Appeal before the Appellate Forum, but filed the Writ Petition before the Hon'ble Court in W.P.(MD) No.23474 of 2018 after a period of 5 years which is barred by Limitation Act.".

63.In so far as writ petitioners 1 to 10 in W.P.(MD) No. 23475 of 2018 are concerned, the factual matrix is distinguishable from that of writ petitioners

1 to 5, inasmuch as no pattas were ever issued in their favour. They were merely granted assignment orders vide Roc. No. MRIV/196/B2, dated 11.05.2005, in respect of lands comprised in S.F.No.318. No sub-division proceedings were undertaken in respect of the said survey number, and the revenue records continued to retain the original classification without any demarcation or mutation in their favour. At the initial stage, during 2004, statutory “B” notices were issued inviting applications from eligible persons for the assignment of 126.60 acres in S.F.No.318. The writ petitioners 1 to 10 also submitted applications pursuant thereto. Thereafter, “D” notices were issued for the purpose of conducting enquiries, and all applicants were subjected to enquiry proceedings on various dates during 2004 and 2006. Sixty-six persons were adjudged eligible, and accordingly, assignment orders in Roc.No.MRIV/196/B2, dated 11.05.2005, were issued to the writ petitioners 1 to 10. Subsequently, upon receipt of multiple complaints from various quarters regarding irregularities, the District Administration deputed a survey team to undertake a comprehensive survey of the entire surplus lands in Periyammapatti Village. As a result, further proceedings in respect of the lands covered by the aforesaid assignment orders came to a standstill. No statutory “E” notices were issued, nor were any “F” deeds (F-Patta) executed in favour of the writ

petitioners 1 to 10. It was further found that most of the assignees had allowed the lands to remain fallow and had thereafter alienated them in favour of affluent individuals, including the writ petitioners 1 to 10. As per the enquiry report submitted to the Commissioner of Land Reforms, Chennai, in Roc.No. 196/Palani/B2, dated 03.12.2011, and after affording an opportunity of personal hearing through issuance of enquiry notice in Roc.No.MRIV/196/Palani/B2, dated 17.11.2011, fixing the hearing on 30.12.2011 at 11.00 a.m. to the assignees, including the writ petitioners 1 to 10, and upon due consideration of their statements, the assignment orders issued on 25.09.1983, 29.08.2003, 17.04.2004, and 11.05.2005 were cancelled, including those pertaining to the writ petitioners 1 to 10, vide Roc. No. MRIV/196/Palani/AA1, dated 31.08.2012.

64.The 1 to 10 writ petitioners did not avail the statutory remedy of appeal against Roc. No. MRIV/196/Palani/AA1, dated 31.08.2012, before the competent appellate forum. Instead, after an inordinate lapse of six years, they instituted W.P.(MD) No. 23475 of 2018, relying upon forged and fabricated documents with the ulterior intent to mislead the Government as well as this Court. This factual position is amply borne out by the contemporaneous revenue records and stands further fortified by the averments contained in the counter affidavit filed by the Sub-Collector, Palani, in W.P.(MD) No. 23475 of 2018, and in the counter affidavit filed by the Revenue Divisional Officer, Palani, in W.A.(MD) No. 1573 of 2023. The relevant portions, as extracted from the aforesaid counter affidavits and duly corroborated by the revenue records, incontrovertibly establish the ineligibility of the petitioners and the fraudulent nature of their claim, as delineated hereinbelow:-

> “Relevant paragraphs of the Counter affidavit filed by the Sub-Collector in W.P.(MD) No.23474 of 2018
>
> *5.I submit that out of 240.29 acres of surplus land in S.F.No.318 some extent of lands were assigned to 18 persons during 2003 vide TNLR*
> *(DLS) Rules 1965. During 2004, 'B' notices were called for from the eligible persons for assigning 126.60 acres. The writ petitioners and some others were applied. 'D' notice for enquiry were issued and all the persons were enquired as various dates, during 2004 and 2005. 66 persons including the writ petitioners were found eligible. Hence assignment orders were issued to them in the proceedings of Assistant Commissioner (LR), Madurai, in MR-IV / 196 / PLN / B2 dated 11.05.2005.*
>
> *6) I submit that regarding the above assignment made during the year 2005, TamilNaduVivasayigal Sangam had made some complaints.*
> *They complained that most of the persons for which the assignment order was given during 2005 were not enjoying the lands and that most of the lands are being enjoyed by landlords. Hence they requested to retrieve the lands from the landlords*

and handover them to the original assignees.

*7) I submit that due to complaints from various corners, a team of surveyors were allotted by District Administration and entire surplus lands of Periyammapatti Village were surveyed. Hence further process after the issue of assignment orders to the writ petitioners Stagnated. There after no 'B' notice and *F' deed were given to the writ petitioners.*

Relevant paragraphs of Counter affidavit filed by the Revenue Divisional Officer, Palani in W.A.(MD) No.1573 of 2024

5. I respectfully submit that after the issuance of Assignment Order
on 11.05.2005. The TamilnaduVivasayigal Sangam had filed some Complaints on 17.07.2005 through Telegram stating that the Assignment. Orders issued in favour of the 66 Assignees including the Respondents/ 1 to 10 Writ Petitioners were deceived the Government and obtainedAssignment grant Order on 11.05.2005. Further the above saidVivasayigal Sangam Requested to cancel the Assignment Order made in
favour of Land lords and reissue the Assignment Orders afresh to the
Genuine land less poor families.

6. I respectfully submit that there were lot of complaints alsoreceived from various corners. Hence the subsequent Procedures of
issuing 'E' Notices to remit the land value for the lands to be hand over after the execution of 'F' deed agreement were all withheld. The Respondents/1 to 10 writ petitioners were not given land to their possession in S.No.318 of Periyammapatty Village.

7.I respectfully submit that in order to know the Genuineness of the Assignees a team of survey staffs were deployed and ascertained that the said Assignees are not hold any land in S.No.318. Most of the Assignees were kept the lands barren and sold out the lands to rich peoples. Hence the Assignment orders issued on 25.09.1983, 29.08.2003, 17.04.2004, and 11.05.2005 were cancelled on 31.08.2012 in MR4/196/Palani/Aa2.The Respondents/ I to 10 Writ Petitioners had not filed any appeal before the Appellate forum but filed the Writ Petition before the Hon'ble Court
after taking sufficient time to prepare the fake and fabricated records to deceive the Government.

8. I respectfully submit that out of the 99 Assignments granted in S.No. 318 and cancelled, the Respondents/1 to 10 Writ Petitioners alone filed the Writ Petition before the Hon'ble Court after 6 years with fake and fabricated documents.

65.Considering the aforesaid circumstances, it is pertinent to record that none of the writ petitioners, at any point of time, assailed the cancellation of assignments made in Roc.No.MRIV/196/PLN/B2, dated 31.08.2012, by invoking the statutory appellate remedy before the District Revenue Officer, Dindigul, as expressly mandated under the relevant provisions of the Land Reforms Act, and the Rules framed thereunder.

66. Notwithstanding the availability of such statutory remedy, the

petitioners remained silent and permitted the cancellation of their assignment orders, vide Roc. No. MRIV/196/PLN/B2, dated 31.08.2012, to attain finality in law. It was only after an inordinate lapse of nearly six years from the date of the aforesaid orders that the petitioners invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking to assail the patta issued to the 5th respondent, G.D. Narendra, under Patta No. 1965, in respect of S.F. No. 318/1J1B, measuring an extent of 21.19 acres - a property wholly unconnected with the surplus lands assigned to them. This was done without furnishing any plausible or satisfactory explanation either for the gross delay or for their omission to exhaust the statutory appellate remedy.

67. It is brought to the attention of this Court that the materials on the revenue record further reveal that the 1 to 10 writ petitioners, with *malafide* intent, have produced manipulated documents by altering the revenue records to create a false impression that Patta No.1965, issued for S.F.No.318/1J1B to an extent of 21.19 acres, pertained to their holdings The petitioners 1 to 10 in W.P.(MD) No. 23475 of 2018 have committed fraud upon this Court by producing fabricated and manipulated documents, including land value challans and kist

receipts originally issued in the names of other persons, which were altered to reflect their own names. This is clearly evidenced from the documents enclosed in the typed set of papers, pages 42 to 49 (land value challans), pages 50 to 58 (sub-division payment challans), and pages 59 to 85 (kist receipts). Notably, the challans at pages 71 and 72 were altered and submitted along with the impugned writ petition to wrongly impress upon this Court that the lands assigned to them pertained to the said survey number, and that the patta allegedly issued to them had been arbitrarily cancelled by the authority on 31.08.2012. This is further substantiated by the contents of the counter affidavits filed by the revenue officials in W.P.(MD) No.23475 of 2018 and W.A.(MD) No.1573 of 2024, which are extracted below:-

> The relevant paragraphs of the counter affidavit filed by the Sub-Collector, Palani in W.P.(MD) No.23475 of 2018 are as follows:-
>
> *8)I submit that the writ petitioners enclosed some documents in their typed set from page No. 1 to 44 with regard to the land cost paid, sub divisional cost paid, land tax receipts are all not genuine. Since no'E' notice was given to the writ petitioners, no land value after the issue of assignment orders was fixed. Hence no land cost has been collected from the writ petitioners. So the extracts of chalans for the cost paid towards land value are not genuine. These are all bogus challans.*

9) I submit that since no land cost was fixed on the lands, no orders were given for subdividing the lands for which assignment orders was given to the writ petitioners. Hence there is no need to collect sub division fees from the writ petitioners. Hence the extracts of challans for the cost paid towards subdivision are all not genuine. They are all bogus receipts.

10) I submit that since no 'F'Deed was made to the writ petitioners there is no necessity to collect land revenue for the lands for which assignment orders were given to writ petitioners. Hence the extracts of land tax receipts are all bogus.

The relevant paragraphs of the Counter affidavit filed by the Revenue Divisional Officer, Palani in W.A.(MD) No.1573 of 2018 are as follows:-

20 (a)No 'F' Pattas were issued to the writ petitioners. As per TNLR (DSL) Rules 1965, after issuing notices in form 'B' for calling applications from the public for the assignment of surplus lands, the applications applied in 'C' form will be enquired by a authorized officer serving a notice in form D to all applicants. The eligible persons will be identified as per norms, then an order called assignment order will be issued to them. There after land value will be fixed. Then a notice in form 'E' for the payment of value of the land will be issued to the persons for whom assignment orders were given. After paying the value, 'F' deed will be made to them. "F' deed is only theauthenticated documents for holding surplus lands.There aftersubdivisions will be made and changes in revenue records will be muted.

20(b)The extracts of chalans paid towards land cost enclosed in typed set of papers in page no 1 to 8 annexed to the affidavit are not genuine.They are all bogus.

20(c) The extracts of chalans for the cost paid towards sub division enclosed in the typed set of documents for page no.9 to 17 annexed to the affidavit are not genuine. They are all bogus.

20(d) The extracts of receipts for the amount paid towards land revenue enclosed in the typed set of documents from page no. 18 to 44 annexed to the affidavit are not genuine. They are all bogus."

68.This is further corroborated by subsequent proceedings, pursuant to the impugned order dated 23.06.2022 in W.P.(MD) No. 23475 of 2018, wherein the Revenue Divisional Officials issued notice in Na.Ka.No. 3021/2019/A5 dated 21.11.2023 (page 226 of the consolidated typed set of papers), fixing personal hearing on 07.12.2023 at 11:00 a.m., and calling upon the 1 to 10 writ petitioners to produce the assignment order, land payment kist receipts, E-Notices and F-Patta as per their statements made in the said affidavit filed in support of the said impugned writ petition.

69. In response, the 1 to 10 writ petitioners submitted letters dated

21.11.2023 (pages 229 and 230 of the consolidated typed set) stating that, in Periyammapatti Village, S.FNo.318, the Assistant Commissioner had issued an assignment order in MRIV/196/Palani/A2 dated 11.05.2005. They further stated that thereafter, no E-notice had been issued to them, and as they had not paid the land tax, no F-patta had been issued. They admitted that the documents and receipts filed along with W.P.(MD) No. 23475 of 2018 against G.D. Narendra were not available with them. Yet claimed to have been in enjoyment of S.F.No. 318/1J for the past thirty years, and requested the issuance of patta.

70. The statements made before the revenue authorities are wholly inconsistent with the averments contained in the affidavit filed in support of W.P.(MD) No.23475 of 2018, as well as with the manipulated revenue documents produced along with the typed set of papers in that writ petition in an attempt to support their case.

71.Upon a comprehensive analysis of the materials on record and the submissions advanced, this Court unhesitatingly holds that there exists no nexus, direct or remote, between the surplus lands allotted to the writ petitioners and the excluded or retainable lands of the appellants herein in S.F.No. 318/1J1B, admeasuring 21.19 acres and covered under Patta No.1965, which was granted under Section 3(22) of the Land Reforms Act.

72.This conclusion stands firmly supported and conclusively corroborated by the categorical statements contained in the separate counter affidavits filed by the Sub-Collector, Palani, in W.P.(MD) Nos.23474 and 23475 of 2018, which emanate from the revenue records, and is further unequivocally affirmed by the Revenue Divisional Officer, Palani, in his separate counter affidavits filed in W.A.(MD) Nos.1572 and 1573 of 2024. The relevant paragraphs from the said counter affidavits filed in W.A.(MD) Nos. 1572 and 1573 of 2024 are extracted hereunder.

> "Relevant paragraphs of Counter affidavit filed by the Revenue Divisional Officer, Palani in W.A.(MD) No.1572 of 2023 are as follows:-
>
> *18.I respectfully submit that in obedience to the District Revenue Officer, Dindigul dated 02.07.2012 issued in proceedings Na.Ka. No. 41330/2009/Aa4 the land was inspected and the area not fit for cultivation was found in the Field No. 318 of PeriyammapattyVillage. The area left out as not fit for cultivation to an extent of 21.19 acres was given new Notation and allotted as 318/1J1B. The undeclared Land alone was granted Patta infavour of the Appellant'shusband name under holding No.1965 of Periyammapatti Village.*

19. I respectfully submit that the Lands assigned infavour of the Respondents / Writ Petitioner I to 5 and consequently cancelled for the reason stated in above said Supra 11 are situated in the Southern - West of the field in S. No. 318/1J2, 318/1J5, 1J10, 1J7, and 1J2. The Respondent / Writ Petitioner 1 to 5 were wrongly presumed that the Assigned Lands were transferred to infavour of the Appellant's Husband name and filed the Writ Petition in W.P.(MD). No. 23474 of 2018.

20. I respectfully submit that the area to an extent of 21.19 acres situated in S.No. 318/1J1B is lies faraway from the Land Assigned to the Respondents/Writ Petitioner 1 To 5 and situated in the Northern East Corner. Hence the Respondents/Writ Petitioner has no right 10 question for the grant of Patta infavour of the Land owner G.D.Narendra……..”

Relevant paragraphs of Counter affidavit filed by the Revenue Divisional Officer, Palani in W.A.(MD) No.1573 of 2023 are as follows:-

16. I respectfully submit that the Lands assigned infavour of the Respondents / Writ Petitioner 1 to 10 and consequently cancelled for the reason stated in above said Supra 7 to 9 are situated in the Southern - side of the filed in S.No.318. The Respondent / Writ Petitioner 1 to 10 were wrongly presumed that the surplus Lands held in S.No.318/1A1 and 318/2 were transferred to infavour of the Appellant's Husband name and filed the Writ Petition in W.P.(MD). No. 23475 of 2018.

19. I respectfully submit that in obedience to the order of District Revenue Officer, Dindigul dated 02.07.2012 issued in proceedings Na.Ka.No. 41330/2009/Aa4 was inspected and the area not fit for cultivation was found in the Field No. 318 *of Periyammapatty Village.The area left out as not fit for cultivation and covered Under Section3(22) to an extent of 21.19 acres situated at the norther side of the field in S.No. 318 was subdivided new Notation has bean given as 318/1J1Band reconveyed to the lant owner The undeclared Land alone was granted Patta infavour of the Appellant's husband name under holding No. 1965 of Periyammapatti Village, in pursuance of the revised order issued by the 12th Respondent on 30.07.2018 in Na.Ka.No.41330/2009/D6.*

21. I respectfully submit that the area to an extent of 21.19 acres
are covered Under Section 3(22) of the Act is situated on the northernside in S.No.318/1J1B and not held in the surplus Lands lies in thesubject Property. Hence the Respondents/Writ Petitioner I to 10 have no right to question for the grant of Patta infavour of the Land owner G.D.Narendra by the 14thRespondent and claim to issue reassignment order in the Lands granted Patta in S.No. 318/1JIB in favour of the deceased G.D.
Narendra……..”

73.Thus, the revenue inspection pursuant to the DRO’s order dated 02.07.2012 revealed that 21.19 acres in S.F.No.318, Periyammapatti Village, were unfit for cultivation, reclassified as S.F.No.318/1J1B, and granted patta to the appellant’s husband G.D.Narendra, under Patta No.1965. The lands assigned to the writ petitioners 1 to 5, later cancelled, are located in different sub-divisions in the southwest portion of S.F.No.318, whereas S.F.No.318/1J1B lies in the northeast corner, far from their holdings. The 1 to 5 writ petitioners mistakenly presumed that their assigned lands had been transferred to the appellant's husband and filed W.P.(MD) No.23474 of 2018.

74.On an identical footing, the lands assigned to the writ petitioners 1 to 10, later cancelled, are located on the southern side of S.F.No.318. They wrongly presumed that surplus lands in S.F.Nos.318/1A1 and 318/2 had been transferred to the appellant's husband and filed W.P.(MD) No.23475 of 2018. Pursuant to the DRO's order dated 02.07.2012, inspection revealed 21.19 acres in S.F.No.318, Periyammapatti Village, unfit for cultivation and covered under Section 3(22) of the Act. This portion, situated in the northern side and reclassified as S.F.No.318/1J1B, was reconveyed to the original landowner and patta granted to the appellant's husband under Patta No.1965 as per the revised order dated 30.07.2018. Since S.F.No.318/1J1B does not form part of the surplus lands, the writ petitioners have no right to question the grant of patta or seek reassignment.

75.Accordingly, this Court finds, upon a careful examination of the revenue records and inspection reports, that the lands covered under S.F.No. 318/1J1B, measuring 21.19 acres and granted patta to the appellant's husband-

G.D.Narendra under Patta No.1965, lie in the extreme northern portion of S.F.No.318, whereas the lands originally assigned to the writ petitioners, and subsequently cancelled, are situated in entirely different sub-divisions in the southern and south-western portions of the same survey number. The physical positioning of these parcels is such that they run parallel to each other, lying in parallel demarcations, with no contiguity, overlap, or interconnection, either geographically or in title. Consequently, they cannot, by any legal or factual inference, be treated as one and the same property. In the considered view of this Court, the writ petitioners' assumption that their erstwhile assigned lands had been conveyed to the appellant's husband- G.D.Narendra is patently erroneous, devoid of factual substratum, and contrary to the contemporaneous revenue records.

76. After carefully going through the records, this Court finds that the writ Court misunderstood the actual facts, even though the true position was clearly shown in the revenue records and confirmed in the separate counter affidavits filed by the Revenue Department. The impugned order dealing with the so-called retention lands has no proper basis and is doubtful in its reasoning, while the cancellation orders were issued without proper application of mind and in breach of the principles of natural justice is nothing but legally untenable

and devoid of justification. The direction given by the writ Court to reopen the matter and initiate fresh proceedings is erroneous and unsupported by the documentary evidence on record. In these circumstances, the impugned order dated 23.06.2022 in W.P.(MD) Nos. 23474 and 23475 of 2018 is set aside, and the writ petitions are accordingly dismissed.

77. Insofar as the subsequent purchaser, the appellant in W.A. (MD) Nos. 695 and 1117 of 2024, is concerned, it stands established that the said appellant acquired the subject property under a duly registered sale deed, Document No. 2288/2018, dated 27.08.2018, on the file of the Joint-II Sub-Registrar, Palani, executed by G.D. Narendra, the fifth respondent in the impugned writ petition, and through a subsequent purchase from the legal heir of G.D. Narendra under Document No. 3202/2020, dated 11.11.2020, on the file of the Joint-II Sub-Registrar, Palani, for valid and lawful consideration. By virtue of the said transactions, the appellant has acquired absolute and bona fide title to the property in question. The respondents herein, in the above writ appeals, are, therefore, restrained from in any manner interfering with the appellant's peaceful possession and enjoyment of the said property.

78.In view of the foregoing findings and the facts and circumstances of the case, these Writ Appeals are hereby allowed. The impugned order dated 23.06.2022 passed in W.P.(MD) Nos. 23474 and 23475 of 2018 is set aside. No order as to costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B.J.] [S.S.Y.J.]
01.09.2025

Index : Yes/No
Netural Citation: Yes/No

nvsri

To

1.THE DISTRICT COLLECTOR
OFFICE OF THE DISTRICT COLLECTOR,
DINDIGUL.

2.THE DISTRICT REVENUE OFFICER
OFFICE OF THE DISTRICT REVENUE OFFICE,
DINDIGUL.

3.THE REVENUE DIVISIONAL OFFICER CUM,
THE ASSISTANT COMMISSIONER LAND (REFORMS).
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
PALANI, DINDIGUL DISTRICT.

4.THE TAHSILDAR,
OFFICE OF THE TALUK OFFICE,
PALANI DINDIGUL DISTRICT.

J.NISHA BANU, J
AND
S.SRIMATHY, J.

nvsri

PRE-DELIVERY JUDGMENT
IN
W.A(MD) Nos.1117 and 695 of 2024,
1572 and 1573 of 2023

01.09.2025