



W.P.(MD)No.12928 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : **18.03.2025**

Delivered on : **04.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.12928 of 2018

and

W.M.P.(MD)Nos.11817, 14041 of 2018 and 14703 of 2023

Ramalingam

... Petitioner

/Vs./

1. The District Revenue Officer
Trichy District, Trichy.
2. The Revenue Divisional Officer,
Lalgudi, Trichy District.
3. The Assistant Commissioner,
Land Reforms, Trichy.
4. The Tahsildar,
Lalgudi Taluk, Lalgudi, Trichy.
5. N.Jothi
6. K.Jamal Mohammed,
7. Zeenath Begam



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8. Mohammed Jakariya

9. Juwairiya

10. Zaid Ahamed

(R7 to 10 impleaded vide court order dated

18.03.2025 in WMP(MD)No.11540/2022

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the proceedings in Na.Ka.No.a2 / 16596 / 2008 dated 23/05/2018 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.M.V.Venkateseshan, Senior Counsel
for Mr.V.Illanchezian

For Respondents : Mrs.K.Malathi
Additional Government Pleader for R1-4

: Mr.S.Ramesh for R5

: Mr.Raguvaran Gopalan
for Mr.K.Prabhakar for R6

ORDER

The petitioner challenges the order of the first respondent in Na.Ka.No.a2 / 16596 / 2008 dated 23.05.2018.



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2. I have heard Mr.M.V.Venkateseshan, learned counsel for the petitioner, Mrs.K.Malathi, learned Additional Government Pleader for the respondent 1 to 4, Mr.P.Karthick, learned counsel for the first respondent, Mr.S.Ramesh, learned counsel for the fifth respondent and Mr.Raguvaran Gopalan, learned counsel for the sixth respondent.

3. The case of the writ petitioner is that surplus lands were taken over under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 58 of 1961, from the fifth respondent's grandfather, viz., Raja Chidambaram Reddiyar, to an extent of 1.56 Acres. Thereafter, in and by deed of an assignment, the petitioner and the petitioner's father, who are cultivating tenants, were assigned lands and assignment under Section F was issued to the petitioner. The total land value was contemplated to be paid in 20 instalments and after duly complying with the said payments, the fourth respondent issued patta in favour of the petitioner's father and the petitioner on 08.04.2008. In order to avoid ceiling proceedings, the said Raja Chidambaram Reddiyar, executed seven settlement deeds in favour of his children. One of the daughters of



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the said Raja Chidambaram Reddiyar, who is none else than the mother of the fifth respondent, viz., Ramanikanthammal, claiming under one of the such settlement deeds executed by her father, viz., Raja Chidambaram Reddiyar, filed a writ petition in W.P.No.13995 of 1995, challenging the order of assignment issued to the petitioner and the petitioner's father. However, pending the said writ petition, Ramanikanthammal, who is the mother of the fifth respondent, sold the property to sixth respondent and 19 others. Thereafter, the writ petition was dismissed with liberty to approach the Special Land Appellate Tribunal, Chennai, on 27.06.1996. According to the learned Senior Counsel for the petitioner, no such appeal was preferred by the mother of the fifth respondent and therefore, the assignment in favour of the petitioner and the petitioner's father became final. However, based on forged documents, the sixth respondent obtained patta in his name. On necessary application by the petitioner, the said patta was transferred in the name of the petitioner and his father and the proceedings under which the sixth respondent obtained patta dated 30.05.1989 were cancelled. Thereafter, the second respondent, by proceedings dated 21.01.2008, also directed necessary changes to transfer patta in the name of the petitioner.



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The mother of the fifth respondent preferred an appeal before the first respondent in the year 2008 and the same was pending on the file of the District Revenue Officer, Trichy, when the fifth respondent filed a memo on 08.10.2016 stating that his mother died on 15.01.2015 and therefore, the fifth respondent was representing his mother. The said appeal is pending before the District Revenue Officer. The first respondent had passed an interim order on 01.11.2016, which was challenged by the petitioner in W.P.(MD)No.23596 of 2016 and this Court by order dated 29.08.2017 disposed of the writ petition directing the first respondent to complete the enquiry within a period of eight weeks.

4. The learned Senior Counsel for the petitioner would further submit that without conducting any proper enquiry, the first respondent passed the impugned order on 23.05.2018, setting aside the order of the second respondent directing the patta to be transferred in the name of the petitioner. The learned Senior Counsel would submit that when the assignment in favour of the petitioner and his father had become final with the withdrawal of W.P.No.13995 of 1995, no right could have been claimed by the fifth respondent or the purchasers from the fifth



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respondent, namely, the sixth respondent and others. The learned Senior Counsel would further submit that the petitioner was only claiming under the assignment by the third respondent and even by 1997, 19 instalments out of 20 instalments had been fully paid and without referring to any all these material circumstances, the learned Senior Counsel would submit that, the first respondent has over turned the well considered order of the second respondent. He would also submit that the respondents 5 and 6 were not even able to produce any satisfactory or relevant documents to fortify their contentions.

5. The learned Senior Counsel would also place reliance on the decision of the Hon'ble Supreme Court reported in ***AIR-1979-SC-1487 (The Authorised Officer, Thanjavur V. S.Naganatha Ayyar)***, where the Hon'ble Supreme Court referring to Section 22 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, held that any transfer of land during the period 06.04.1960 to 02.10.1962 would be void as it was intended to defeat the provisions of the Act.



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6. The learned Senior Counsel would also place reliance on the decision of this Court reported in **1998-1-CTC-314 (N.Rajammal (Died) V. P.Maragathammal)**, where this Court referring to the decision of the Hon'ble Supreme Court in **S.Naganatha Ayyar's** case referred herein supra, held that Court will not support a transaction which has been executed in violating of Section 22 of the Act. However, this Court also added that the documents would be void only to the extent it exceeds in the ceiling limit and not void altogether. He would therefore pray for the impugned order being set aside.

7. Per contra, Mr.Raguvaran Gopalan, learned counsel for the contesting respondent would submit that the Act 58 of 1961 came into force on 06.04.1960 and in O.S.No.615 of 1972, one of the issues framed was substantially covering the present dispute. The second defendant in the suit being none else than the father of the petitioner, who suffered decree, where the trial Court held that the document is not a sham and nominal document and it would though bind the writ petitioner and it would not be open to the petitioner to take a contrary, stand assailing the settlement deed in favour of the fifth respondent's mother



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Ramanikanthammal. The learned counsel would invite my attention to the execution proceedings in E.P.No.106 of 1978, filed to execute the decree in O.S.No.615 of 1972, in and by which the decree holder also obtained possession from the defendants. A.S.No.39 of 1978 filed by the grandfather of the petitioner, viz., Raja Chidambaram Reddiyar, was also dismissed confirming the decree in O.S.No.615 of 1972. Yet another suit was filed by the petitioner's father, viz., Arumugam Pillai, in O.S.No.624 of 1981, for recovery of money, based on mortgage executed by mother of the fifth respondent, viz., Ramanikanthammal.

8. The learned counsel for the sixth respondent would also invite my attention to O.S.No.154 of 2001, which again was filed by the petitioner and his father, against Jamal Mohammed and others, seeking a relief of permanent injunction, to restrain the defendants from converting the subject lands into house sites and put up any construction. The said suit was dismissed for default on 26.06.2006, for not taking steps to serve the defendants. The learned counsel would therefore contend that the judgment and decree in the suits would bind the writ petitioner and he would also submit that the suit filed by the petitioner and his father in



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O.S.No.154 of 2001 was also dismissed. According to the learned counsel for the sixth respondent, he has already formed a lay out and sold 12 plots and the petitioner is also not in possession of the subject lands. With regard to the decisions relied on by the learned counsel, Mr.Raguvaran Gopalan, would contend that the judgment of the Hon'ble Supreme Court in *The Authorised Officer, Thanjavur V. S.Naganatha Ayyar*, would not apply to the facts of the present case, since the settlement deed was executed one day prior to the Act coming into force. Similarly placing reliance on the decision of this Court in *N.Rajammal's* case, the learned counsel for the sixth respondent would submit that the extent being only 1.56 Acres was well below the ceiling limit and as held by this Court, the document cannot be void as a whole and it would be void only of the extent exceeds the ceiling limits.

9. Lastly, Mr.Raguvara Gopalan, would place reliance on the decision of the Hon'ble Supreme Court reported in *AIR-2002-SC-959 (Gurbax Singh V. Kartar Singh)*, where the Hon'ble Supreme Court, referring to Section 47 of the Registration Act, held that a document executed on a particular date, but subsequently registered, will take



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effect from the time when it was executed and not from the time of registration. Therefore, the learned counsel would contend that the settlement deed being executed on 05.04.1960 and registered on 07.04.1960 would date back to 05.04.1960, which is admittedly prior to 06.04.1960, on which date alone the Act came into force. Therefore, the learned counsel for the sixth respondent would submit that the petitioner has no *iota* of right or interest in the subject property and he seeks for dismissal of the writ petition.

10. In reply, Mr.M.V.Venkataseshan, learned Senior Counsel, would press into service Section 107, which raises a bar of jurisdiction of the civil Court and he would therefore submit that the decree obtained in O.S.No.615 of 1972 cannot be relied on by the respondents to assail the right of the petitioner. He would therefore submit that the settlement deed was ante-dated as 06.04.1960, only in order to get over and escape the ceiling provisions and the document was only executed on 07.04.1960, as if it was executed on 06.04.1960. He would therefore submit that the settlement deed was a void document in terms of Section 22 of the Act and no shelter can be taken under the said document by the sixth respondent.

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11. I have carefully considered the submissions advanced by the learned counsel on either side.

12. It is not in dispute that an extent of 1.56 Acres was declared as surplus lands at the hands of Raja Chidambaram Reddiyar. In order to escape the Ceiling proceedings and lands being taken over from him, the said Raja Chidambaram Reddiyar executed settlement deed in favour of his children. One such settlement deed was executed in favour of the mother of the fifth respondent herein, viz., Ramanikanthammal. It is not in dispute that the said document bears the date of execution as 05.06.1960. However, it came to be registered on 07.04.1960. It is also not in dispute that the Act came into force with effect from 06.04.1960 and in terms of Section 22 of the Act, all documents, that are executed on and from 06.04.1960 are deemed void documents having no legal or binding effect. It is also brought to my notice that all the other children of the said Raja Chidambaram Reddiyar sought for exemption to hold surplus lands and which came to be rejected by the Authorised Officer and the said Assistant Commissioner of Lands, Trichy by proceedings

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dated 20.02.1997. The order of the Tamil Nadu Special Appellate Tribunal also confirmed the order of the Authorised Officer. Challenging the order of the Authorised Officer and Assistant Commissioner of Lands, the siblings of the fifth respondents' mother filed a writ petition as against the order of the Authorised Officer and the Assistant Commissioner of Lands, in W.P.No.16733 of 2001 and the same was dismissed. The Division Bench of this Court held that the settlement deeds were executed on 05.04.1960 and having been registered only on 07.04.1960, were hit by Section 22 of the Act. However, it is significant to note that excepting the fifth respondent's mother, all the other legal heirs of Raja Chidambaram Reddiyar, were parties to the proceedings before the Authorised Officer, Special Tribunal as well as this Court. Insofar as the mother of the fifth respondent, viz., Ramanikanthammal, she choose to file a suit in O.S.No.615 of 1972 against her father, viz., Raja Chidambaram Reddiyar and the father of the writ petitioner, viz., Arumugam, and 4 others. The said suit was contested by the defendants and ultimately after framing an issue, whether the settlement deed dated 05.04.1960 is a sham and nominal document, the Subordinate Court held that the plaintiff was entitled to a decree and answered the issue No.1 in

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favour of the plaintiff, holding that the settlement deed executed in favour of the fifth respondent's mother was not a sham and nominal document. The Sub Court had gone into the contentions of the father of the fifth respondent's mother that the document was only to evade the land ceiling legislation and rejected the said contentions and further held that the settlement was only out of love and affection to the daughter and intended to benefit her. The said decree was unsuccessfully challenged in A.S.No.39 of 1978. Therefore, the declaration in favour of the fifth respondent's mother became final. When the petitioner's father was a party to the said suit, the decree would certainly bind the successor in interest of the second respondent, namely, the writ petitioner. Therefore, *de-hors* the unsuccessful challenge by the other children of Raja Chidambaram Reddiyar, the case of the fifth respondent's mother stands on a different footing altogether. Interestingly, the subsequent to the dismissal of the First Appeal, the fifth respondent's mother also took possession through the executing Court from her own father and the third respondent had assigned the excess land to an extent of One acre to the father of the petitioner and 56 cents to the petitioner on 31.08.1983. The said assignment was challenged by the mother of the fifth



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respondent in W.P.No.13995 of 1995. However, the said writ petition was withdrawn seeking liberty to approach the Special Appellate Tribunal constituted for dealing with these matters. Though permission was granted as sought for, no appeal was filed before the Special Appellate Tribunal. In view of the above, two things emerged. Firstly, the fifth respondent's mother had obtained a decree in her favour, where one of the issues was whether the settlement deed was sham and nominal. Secondly, the challenge to the assignment made in favour of the petitioner by the fifth respondent's mother was itself unsuccessful, and become final, with her withdrawing the writ petition. Though liberty to approach the Appellate Tribunal was granted, subsequently she did not prefer any appeal.

13. In view of the above, the assignment in favour of the petitioner's father and the petitioner becomes final and the same cannot be called in question. With regard to the effect of the decree obtained by the fifth respondent's mother, I am unable to countenance the submissions of the learned counsel for the fifth respondent, since the authorities functioning under the Act were not parties in the said suit.



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The suit was only filed against the father of the petitioner's mother, that is, his grand father and the cultivating tenants, one of whom is the father of the writ petitioner. Therefore, the said judgment and decree, even assuming is a valid decree, would not bind the authorities functioning under the Act.

14. Further, the character of the petitioner's father also changed from that of being a cultivating tenant to an assignee of surplus land by the authorities, which assignment has also become conclusive and final. Therefore, the fifth respondent cannot place reliance on the judgment and decree in O.S.No.615 of 1972 and claim that the civil Court has already declared the fifth respondent's mother right. In any event, as rightly contended by the learned Senior Counsel, Mr.M.V.Venkataseshan, the civil Court has no jurisdiction to entertain matters pertaining to the provisions of Land Reforms Act. Under Section 107, there is a bar of jurisdiction of the civil Court. Therefore, the effect of the decree obtained by the fifth respondent's mother is clearly not binding or conclusive against the authorities functioning under the Land Reforms Act.



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15. With regard to the argument of the learned counsel for the fifth respondent that the settlement deed was executed on 05.04.1960 and registered on 07.04.1960, it would relate back to the date of execution, i.e., 05.04.1960 and in view of Section 47 of the Act, the document will have to be construed will have to be executed coming to force the prior to the Registration Act on 06.04.1960 and it cannot be countenanced for a simple reason that the said Raja Chidambaram had executed seven settlement deeds in all and insofar as the six settlement deeds, the Division Bench of this Court taking into account, the very same facts, held that the case of the siblings of the fifth respondent's mother that the documents were executed one day prior to the Act come into force, was untenable and unacceptable and the Division Bench held the settlement deeds to be void and violating the mandate of Section 22 of the Act. Therefore, merely placing reliance on the decree obtained behind the back of the authorities, the petitioner cannot take shelter under the Civil Court decree and contend that there is no violation of Section 22 of the Act. In fact, the provisions of the Act were not also tested before the civil Court and it was only a dispute between the fifth respondent's mother and the petitioner's grandfather *inter se* private parties and nothing more.



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Further, in any event, when the fifth respondent's mother herself challenged the assignment in favour of the petitioner and the petitioner's father and the said challenge was also withdrawn and no further steps were taken by the fifth respondent's mother, the said acts and omissions of the mother would squarely and fully bind the fifth respondent and it is therefore now not open to the fifth respondent to challenge the assignment made in favour of the petitioner, attempting to draw strength from the decree in O.S.No.615 of 1972, having failed to challenge the assignment in favour of the petitioner's father and the petitioner and not having done so, it is fatal case to the case of the fifth respondent.

16. Though it is contended by the learned counsel for the sixth respondent that the mother of the fifth respondent herself had mortgaged the property to none else the petitioner's father, viz., Arumugam, who filed a suit in O.S.No.624 of 1981 for recovery of money, based on a mortgage, it would though amount to the petitioner's father having admitted the ownership of Ramanikanthammal, I find that it is only to all these proceedings that in the year 1983 the lands were assigned in favour of the petitioner and the petitioner's father. Therefore, none of the earlier



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proceedings would have any bearing on the assignment in favour of the petitioner's father and the petitioner. In fact as already discussed above, the challenge to the said assignment has also been given up midway and the assignment has become final and therefore, now the petitioner is estopped from claiming to the contrary based on the earlier document which stand nullified, in view of the withdrawal of the Writ Petition in W.P.No.13995 of 1995 by the fifth respondent's mother. In such view of the matter, the by the first respondent's order is clearly perverse and liable to be set aside.

17. In fine, this Writ Petition is allowed and the proceedings dated 23.05.2018 on the file of the first respondent are hereby quashed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

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TO:-

1. The District Revenue Officer
Trichy District,
Trichy.
2. The Revenue Divisional Officer,
Lalgudi,
Trichy District.
3. The Assistant Commissioner,
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Trichy.
4. The Tahsildar,
Lalgudi Taluk, Lalgudi,
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P.B. BALAJI, J.

LS

Pre-delivery Order made in
W.P.(MD)No.12928 of 2018

Dated:
04.04.2025