



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

WP No. 17016 of 1998

S.Arumuga Gounder

..Petitioner(s)

Vs

1. The Presiding Officer,
The Tamil Nadu Land Reforms,
Special Appellate Tribunal, J.P.Maligai,
Santhome High Road, Chennai 600 004.
2. The Presiding Officer, Land
Tribunal, Tanjavur, Tanjavur Dist.
3. Asst. Commissioner (land Reforms)
Coimbatore. Coimbatore Dist.
4. Smt. Marimuthammal (died)
5. R.Manohari
6. M.Sasikala
7. K.Renukadevi
(R5 TO R7 are substituted as Lrs of deceased R4
vide order dated 07.01.2026 made in
WPMP.No.508 of 2009 in WP.No.17016 of
1998)



..Respondent(s)

Prayer: Writ petition filed under article 226 of Constitution of India for issuance a Writ of Certiorified Mandumus or any other appropriate writ or order or direction in the nature of Writ calling for the order passed by the 1st Respondent in S.R.P. No.25/96 dated 20.08.1998 and quash the same and forbear the 4th Respondent from dispossessing the petitioner in pursuance of the orders of Respondents 1 to 3 made in S.R.P. No.25/96 dated 20.08.1998, LTCMA No.8/95, dated 17.06.1996 and MR-II/5M/K dated 09.05.1995 respectively and render justice.

For Petitioner(s): Mr..Wilson Topay
for M/s.A.S.Kailasam Associates

For Respondent(s): R1 And R2 Tribunal
Mr.D.Ravichander
Special Government Pleader (for R3)
R4-died.
Mr.C.V.Vijayakumar (for R5 to R7)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

This Writ Petition is filed challenging an order of the Tamil Nadu Land Reforms Special Appellate Tribunal dated 20.08.1998. The brief facts are as follows. Tmt.Marimuthammal/R4 (legal heirs have been substituted on 07.01.2026 as R5, R6 and R7) owned various parcels of land. One, Arumuga Gounder, the petitioner, was the cultivating tenant in respect of some portion of the lands.



2. There was an enquiry in terms of the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (in short 'Act') and lands in various survey numbers admeasuring 25.16 acres in Singanallur Village, Pollachi Taluk were notified under Section 61 of the Act on 30.04.1972.

3. The orders of the lower authorities refer to the date of Notification as 15.02.1970, but the Tribunal, on a perusal of the files, has rendered a factual finding at paragraph 4 of the order that the crucial date of Notification was 30.04.1972. The parties before us accept this position without demur and hence, we proceed on the basis that the crucial date of Notification in this matter is 30.04.1972 in terms of the provisions of Section 61 of the Act.

4. Since the petitioner had not filed a Statement of lands, an assessment came to be made by the Assistant Commissioner, Land Reforms, Coimbatore on 26.09.1992 and the determination of surplus land therein, was as follows:

<i>Name of the Village</i>	<i>S.No.</i>	<i>Extent</i>	<i>Rate of assessment</i>		<i>SA</i>
<i>Singanallur, Pollachi Taluk</i>	<i>107A</i>	<i>3.48</i>	<i>Wet</i>	<i>4.02</i>	<i>1.988</i>
	<i>107B</i>	<i>0.95</i>	<i>Dry</i>	<i>0.13</i>	<i>0.237 (0.23)</i>
	<i>107C</i>	<i>2.00</i>	<i>Wet</i>	<i>4.00</i>	<i>1.143</i>
	<i>108A</i>	<i>2.26</i>	<i>“</i>	<i>6.81</i>	<i>1.412</i>
	<i>108B</i>	<i>0.38</i>	<i>“</i>	<i>26.00</i>	<i>0.475</i>
	<i>109</i>	<i>3.00</i>	<i>“</i>	<i>6.70</i>	<i>1.875</i>
	<i>118A</i>	<i>9.61</i>	<i>12.58 Dry</i>	<i>0.82</i>	<i>3.145</i>



WEB COPY

As owner

Singanallur

119	9.89			
120	6.66			
	25.16	24.65	10.275	

138/3A	2.33	Dry	1.12	)	
139/2	0.14	"	1.22	)	0.617

2.47

Total holding of Respondents

<i>As owner</i>	2.47	0.617
<i>As lessee</i>	24.65	10.275

27.12

10.892

*Ceiling allowed for
Cultivating tenant*

5.000

5.892

5. To summarize, the total holding of R4 as owner and lessee was found to be 27.12 Ordinary Acres (OA) and 10.892 Standard Acres (SA). After allowing the ceiling for cultivating tenant at 5 SA, excess lands were computed at 5.892 SA. The Assistant Commissioner passed an order under Section 61(3) (b) of the Act to the effect that an extent of 9.69 OA, equivalent to 5.892 SA, would be released to the land owner/R4.

6. An appeal was filed by the petitioner before the Land Tribunal, Thanjavur. The main argument therein was violation of principles of natural justice, accepting which, proceedings dated 26.09.1992 were set aside and the



matter remanded to the file of the Assistant Commissioner for fresh disposal vide order dated 16.02.1994.

WEB COPY

7. By order dated 09.05.1995, the remanded matter was disposed by the Assistant Commissioner by way of a detailed hearing. The Assistant Commissioner records that the petitioner had relied on i) lease agreement executed by him in favour of one Raju on 29.08.1980 and ii) Partition Muchalika dated 03.09.1985 between himself and his son. Thus, according to him, there was no excess landholding. Per contra, R4 had filed various documents in support of her stand.

8. The Assistant Commissioner disavowed both the partition deed and the lease agreement as they were unregistered. He proceeded on the basis that there was no recorded evidence to show that the lands were either given on sub-lease with the knowledge of the land owner, or that they had been partitioned. He hence confirmed the order passed by the Assistant Commissioner in terms of paragraph 12 of his order dated 09.05.1995, reading as follows:

12. Under these circumstances, it is held that the Respondent/Tenant is keeping 5.892 std. Acres surplus on the date of commencement of the Act. Therefore, I order under Sec. 61(3) (b) of the TNLR (FCL) Act 58/61, that an extent of 9.95 acres. Equivalent to 5.893 std. acres. as detailed below be released to the land owner Tmt.Marimuthammal W/o Muthusamy Gounder of Singanallur Village of Pollachi Taluk.

<i>Name of the Village</i>	<i>S.No.</i>	<i>Extent</i>	<i>S.As.</i>
----------------------------	--------------	---------------	--------------



Singanallur

<i>107-A</i>	<i>3.48</i>	<i>1.988</i>
<i>107-B</i>	<i>0.57</i>	<i>0.142</i>
<i>108-A</i>	<i>2.26</i>	<i>1.412</i>
<i>108-B</i>	<i>0.38</i>	<i>0.475</i>
<i>109</i>	<i>3.00</i>	<i>1.875</i>

<i>Total</i>		<i>5.892</i>

9. The petitioner challenged the order of the Assistant Commissioner before the Land Tribunal, Thanjavur, which dismissed the appeal as being devoid of merit. The issues framed by the Land Tribunal are as follows:

- i) Whether the alleged family arrangements made after crucial date (i.e.) 15.02.70 is admissible and*
- ii) Whether the alleged sub-tenancy after the crucial date is admissible for determination of surplus holdings.*

10. The Tribunal has gone into the matter in detail noting the factual position that the petitioner held 27.12 OA (10.892 SA) as owner and tenant on the crucial date which was in excess of the cultivating tenants' ceiling limit. The Tribunal specifically records that the landholding was not disputed at any point. This position continues even before us as the learned counsel for the petitioner and private respondents have not disputed the land holding.

11. The unregistered xerox copy of the Partition Muchalika dated 03.09.1985 stipulates that 2.37.3 SA/8 OA comprised in S.No.139 along with 1/8th share in the well had been alienated to the petitioner's son Senthilkumar @ Nagarajan. This deed was disavowed, as the Tribunal was of the view that it



was not a genuine document. More importantly, reliance on the document was rejected as the transaction was admittedly after the crucial date.

WEB COPY

12. As regards the tenancy agreement which stated that an extent of 11.97 SA comprised in S.Nos.118/A, 119/A and 120 in Singanallur Village had been sub-leased, an unregistered xerox copy of the document dated 29.09.1980 had been produced. The Tribunal holds that the tenancy agreement was not in proper form, R4 in her objection petition dated 01.02.1995 stated clearly that she had not given consent/permission for sub-lease, that there was no provision under the Act for recognition of a sub-tenant and for surplus land holdings, and the alleged sub-tenancy took place after the crucial date.

13. The above are findings of fact that have been accepted by the Tamil Nadu Land Reforms Special Appellate Tribunal as well by its order dated 20.08.1998, challenged before us.

14. There is thus no dispute on the position that i) the petitioner held 5.91 SA in excess, ii) the documents produced by the petitioner, being lease agreement and partition deed were found to be unreliable, iii) in any event, the documents are dated 29.09.1980 and 03.09.1985 respectively, which is after the crucial date, being 30.04.1972.

15. There is no argument raised before us to dispel or disturb the aforesaid factual findings that have been concurrently found at all stages of the



proceedings, assessment, first appeal before the Land Tribunal, Thanjavur and second appeal before the Tamil Nadu Land Reforms Special Appellate Tribunal. In such circumstances, there is nothing to persuade us to vary the impugned order.

16. Learned counsel for the petitioner relies on the judgment in *Kale & Others vs Deputy Director Of Consolidation* ((1976) 3 SCC 119) on the necessity to register a Muchalika, a document that records past transactions, and Mr.D.Ravichander, learned Special Government Pleader relies on a decision of this Court, *D.Agastin and another V.Devasagayan and another*, reported in 1999 II CTC 555, also on the same proposition.

17. We see no need to refer to this aspect of the matter. The only question of law that arises in this case is as to whether the documents produced by the petitioner in support of his stand can be taken into account by the authorities. The answer to this question is clearly in the negative as, the admitted position is that the dates of both the lease agreement and Partition Muchalika, being 29.09.1980 and 03.09.1985 respectively, are after the crucial date, i.e., 30.04.1972.

18. The petitioner has nowhere disputed the crucial date. In fact, we had posed a specific query to him as what is the date of actual partition, as the date of Muchalika is assumed to have recorded a past transaction. However, there is nothing on record to indicate what the date of actual partition is and even the



grounds of revision filed before the Tamil Nadu Land Reforms Special Appellate Tribunal that are produced before us do not reveal any earlier date.

Hence, the only dates available on record are 29.09.1980 and 03.09.1985, which are post 30.04.1972.

19. In light of the discussion as above, we see no merit in this Writ Petition and hence dismiss the same. No costs. Connected Miscellaneous Petition is closed.

(A.S.M.,J.) (M.S.K.,J.)

09-02-2026

Index: Yes

Speaking order

Neutral Citation: Yes

sl

To

1. The Presiding Officer,
The Tamil Nadu Land Reforms,
Special Appellate Tribunal, J.P.Maligai,
Santhome High Road, Chennai 600 004.
2. The Presiding Officer, Land
Tribunal, Tanjavur, Tanjavur Dist.
3. Asst. Commissioner (land Reforms)
Coimbatore. Coimbatore Dist.



WEB COPY

WP No. 17016 of 1



DR.ANITA SUMANTH J.
AND
MUMMINENI SUDHEER KUMAR J.

sl

WP No. 17016 of 1998

09-02-2026

Page 10 of 10