



WEB COPY

WP No. 7954 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

**THE HONOURABLE Dr.JUSTICE ANITA SUMANTH
AND
THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN**

**WP No. 7954 of 2002
AND
WPMP NO. 10890 OF 2002**

1. V.Sivaraman
- 2.Selvakumari
- 3.Tmt.Balambal Ammal Ammal
- 4.Vasanthakumari
- 5.Sivasankaran
- 6.Sivakumar

Petitioner(s)

Vs

1. The Registrar, T.N. Land
Reforms Special Appellate Tribunal,
Santhome, Chennai.4

2.The District Revenue Officer
Land Tribunal
Chennai.5.

3.The Assistant Commissioner
(land Reforms), Villupuram.

4.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.
(R4 Impleaded As Per Order Dt
27/1/2020 Made In Wmp.1404/2020
In Wp.7954/2002 By RPSJ & RPAJ)

Respondent(s)



WP No. 7954 of 2002

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for the records of the 1st respondent in SRP No.39 of 2000 dated 13.08.2001 and consequently confirm the order of the 2nd respondent dated 30.04.1999 in LT CMA.No.28/1998.

For Petitioner(s): Mr.V.K.Vijayaraghavan
for Mr.S.Udayakumar

For Respondent(s): R1 - Tribunal
Mr. Ramanlaal
Additional Advocate General
assisted by Mr.D.Ravichandar
Spl.G.P for R2 to R4

ORDER

(Order of the Court was made by C.Kumarappan J.)

The present writ petition is filed against the order of the Tamil Nadu Land Reforms Special Appellate Tribunal dated 13.08.2001 made in Special Revision Petition No.39/2000, by and in which the Special Appellate Tribunal set aside the order in LT CMA.No.28 of 1998 and confirmed the order the Assistant Commissioner dated 30.07.1998.

2(a).The brief facts which are necessary for the disposal of the present writ petition is that, one Venkatakrishna Reddiar had two wives viz., Kamalambal and Balambal Ammal, and through his 2nd wife, he has got children



WP No. 7954 of 2002

and they have been arrayed as the writ petitioners herein. Since Venkatakrishna Reddier had excess land beyond the ceiling limit of 15.00 standard acres as on the date of commencement of the “Tamil Nadu Land Reforms [fixation of ceiling on land] Act, 1961” [hereinafter referred to as “the Act”], the excess land of 27.04 standard acres was declared surplus. Aggrieved against such declaration, he has submitted objection. After considering the objection, the Authorities passed an order under Section 9(2)(b) of the Act on 28.11.1990. After the above order, a draft statement under Section 10(1) of the Act was published in the Tamil Nadu Government Gazette on 17.07.1991. On receipt of the draft statement, one of the legal heirs of Venkatakrishna Reddier filed an objection petition on 21.11.1991. After receiving the objection, the Authorised Officer passed an order under Section 10(5) of the Act on 24.10.1994 in which, an extent of 13.935 standard acres was declared as surplus.

(b). Against this order, when the legal heirs filed an appeal before the Land Tribunal in LT CMA.No.10 of 1995, the same was allowed on 20.06.1996 and remanded the matter for fresh disposal. After the remand, the Authorised Officer conducted an enquiry, and after receiving the objection, again passed an order under Section 10(5) of the Act on 30.07.1998, by declaring 12.657 standard acres as surplus. Aggrieved with the above order, the petitioner



WP No. 7954 of 2002

preferred an appeal before the Land Tribunal, Chennai in LT CMA.No.28 of 1998 and the Land Tribunal allowed the Appeal on 30.04.1999. Aggrieved with the order of the Land Tribunal, the Assistant Commissioner preferred the impugned Special Appeal, wherein the Special Appellate Tribunal vide impugned order set aside the order of the Land Tribunal and confirmed the order of the Assistant Commissioner. Aggrieved with the above order, the present writ petition has been filed.

3.Heard Mr.V.K.Vijayaraghavan, learned counsel appearing for the petitioner and Mr.Ramanlal, learned Additional Advocate General assisted by Mr.D.Ravichandar, learned Special Government Pleader appearing for the respondents 2 to 4.

4.The learned counsel for the petitioner would vehemently submit that according to Section 5(4) of the Act, the first wife of Venkatakrishna Reddiar viz., Kamalambal is entitled to have 10.00 standard acres as she has possessed sridhana land on the date of the commencement of this Act qua on 15.02.1970 by virtue of the settlement deed dated 07.09.1949 executed by Venkatakrishna Reddiar, whereas, the Assistant Commissioner as well as Special Appellate



WP No. 7954 of 2002

Tribunal did not consider such material factum. It is the further submission of the learned counsel for the petitioner that according to Koorchit dated 17.07.1942, the subject land which is the ancestral property of Venkatakrishna Reddiar were partitioned between the sharers namely the legal heirs of the petitioners' maternal uncles. If those lands are excluded from the purview of the Act, then there would not have been any surplus land. Though it was contended that the marriage between Venkatakrishna Reddiar and his second wife Balambal Ammal is a valid one before this Court, they did not press the argument. It is the further submission of the learned counsel for the petitioner that since their family consists of 7 members, by virtue of Section 5(1)(b) of the Act, they are entitled to have additional 10.00 standard acres to be excluded from the declaration surplus land. Hence, prayed to interfere with the order of the Special Appellate Tribunal.

5.The said contention was stoutly objected by Mr.Ramanlaal, learned Additional Advocate General assisted by Mr.D.Ravichandar, learned Special Government Pleader and would contend that on the date of the Act came into force, there was no Stridhana land with Venkatakrishna Reddiar's first wife Kamalambal and that the very appeal is not maintainable before this Court, as



WP No. 7954 of 2002

the Special Appellate Tribunal was headed by the Judge of this Court. It is the further contention of the learned Additional Advocate General that though the petitioner would contend that the property is the ancestral property and that the property was settled in favour of Kamalambal, the original owner Venkatakrishna Reddiar himself has declared all the subject property as his asset in an Insolvency Proceedings in IP.No.5 of 1979. Therefore, as Venkatakrishna Reddiar has already declared those properties as his properties and they were shown as his asset in an Insolvency proceedings, where he was subsequently adjudged as “insolvent” on 30.10.1975, there are no ground to go into the arguments raised by the legal heirs of the Late.Venkatakrishna Reddiar. It is the further contention of the learned Additional Advocate General that the Special Appellate Tribunal has gone into these aspects elaborately and arrived at a correct conclusion. Therefore, there is no perversity in the impugned order. Hence, prayed to dismiss the above writ petition.

6.We have given our anxious consideration to either side submissions.

7.Coming to the maintainability of this writ petition, only during 2003 Section 79 of the Act was amended by substituting the word “High Court”



WP No. 7954 of 2002

instead of Special Tribunal by the Act 26/2003. Until 2003, there was a separate Tribunal and there are no Appellate remedy provided against the order of the Special Tribunal. Therefore, we are of the view that the order of the Appellate Tribunal is subject to the judicial review of this Court. Therefore, we hold that this Court has got jurisdiction to entertain this writ petition.

8.Coming to the other aspect, while looking at the impugned order, the Special Tribunal has framed 5 issues qua as to the validity of the oral partition by virtue of Koorchit, the validity of Venkatakrishna Reddiar's second marriage with Balambal Ammal, execution of settlement deed in favour of the first wife of Venkatakrishna Reddiar, and the execution of subsequent settlement deed to some third parties.

9.The main ground urged in respect of the oral partition is solely rest upon the Koorchit. The Special Appellate Tribunal has come to the conclusion that the recitals of Koorchit will not come within the contours of memorandum of recording of past transaction, so as to avoid the registration and stamp duty. On the above ground, the Special Appellate Tribunal did not rely and believe the same. Apart from that, the Tribunal has categorically found that there are no



WP No. 7954 of 2002

documents which recorded the past transactions was filed and what was produced before the Land Tribunal was only the re-survey settlement copy.

10.It is pertinent to mention here that those documents were not submitted before the Original Authority qua Assistant Commissioner and has submitted only during the appeal proceedings. Apart from that, it is also relevant to refer that the land allegedly mentioned in the Koorchit was shown as the asset of Venkatakrishna Reddiar in IP.No.5 of 1993, which factum was also admitted by Venkatakrishna Reddiar before the Assistant Commissioner. Therefore, the findings rendered by the Special Appellate Tribunal that the Koorchit could not be believed on the ground that there are no records to show that it is a memorandum of recording of past transaction, and on the ground that the land which is shown in the Koorchit has already been shown as Venkatakrishna Reddiar's asset by Venkatakrishna Reddiar himself. Besides the above, the said document itself is inadmissible as it was not registered. Therefore, any claim made by the legal heirs of Venkatakrishna Reddiar as if the property belongs to him [Venkatakrishna Reddiar] is far-fetched. Therefore, we are of the firm view that the findings rendered by the Special Appellate Tribunal that the Koorchit could not be believed is perfectly in order.



WP No. 7954 of 2002

11. Similarly, the contention put forth by the learned counsel for the petitioner, by referring to Section 5(4) of the Act that Venkatakrishna Reddiar's first wife had stridhana property by virtue of the settlement deed dated 07.09.1949. The Stridhana land has been defined under Section 3(42) of the Act. According to Section 3(42), Stridhana land means, any land held on the date of the commencement of this Act by any female member of a family in her own name. In the case in hand, on harmonious reading of the above alleged settlement deed, though the nomenclature shows that as a settlement deed, it appears to be like a Will and no possession was handed over to his first wife Kamalambal Ammal in present. The recital of the document would show that, only if Venkatakrishna Reddiar have no legal heir through the 2nd wife, she may have right in the property. In fact, no recital as to the handing over of possession to Kamalambal Ammal was mentioned in the document. Whereas in the case in hand, Venkatakrishna Reddiar has got legal heirs through his 2nd wife, who are the petitioners herein. Therefore, we are of the firm view that Kamalambal did not hold any land on the date when the Act came into force qua on 15.02.1970. Apart from that, even this land was shown by Venkatakrishna Reddiar as his property, in IP proceedings. Therefore, the findings rendered by the Special Appellate Tribunal that there is no Stridhana property is also perfectly in order.



WP No. 7954 of 2002

WEB COPY

12. Similarly, the alleged settlement deed standing in the name of a 3rd party also cannot give any benefit to the petitioner, as we already stated that, those lands have been declared by Venkatakrishna Reddiar as his assets in the IP proceedings. Therefore, from the submissions made by the learned counsel for the petitioner, we do not find any valid ground to deviate from the findings rendered by the Special Appellate Tribunal. As we know, the contours of power of judicial review is very limited and the Writ Court could interfere with the order of the Special Tribunal, only if there is any perversity. While looking at the elaborate and detailed reasons given by the Special Appellate Tribunal, we absolutely do not find any perversity in the order.

13. At this juncture, it is relevant to refer that though Venkatakrishna Reddiar has referred all the subject lands as his assets in IP No.5 of 1979 and subsequently adjudged as insolvent, which has also been discussed in the order of the Special Tribunal, the petitioner has suppressed the above fact in the grounds of appeal. We are of the view that the conduct of the deliberate suppression of above fact and keeping the writ petition pending for the past 24 years and burdened the judicial system thus for is such egregious conduct and the same is to be compensated by cost. Hence, this Court deems appropriate to



WP No. 7954 of 2002

impose a cost of Rs.1,00,000/- [Rupees one lakh only] to the petitioners.

WEB COPY

14.In the result, this Writ Petition stands dismissed and the petitioners are jointly and severally liable to pay a cost of Rs.1,00,000/- [Rupees one lakh only] to the High Court Legal Services Authority, within a period of three(3) months from the date of receipt of a copy of this order. No costs. Consequently, connected WPMP is also closed.

(ANITA SUMANTH J.)(C.KUMARAPPAN J.)
26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



WP No. 7954 of 2002

To

1.The Registrar,
T.N. Land Reforms Spl Appellate
Tribunal, Santhome,
Chennai.4

2.The District Revenue Officer
Land Tribunal
Chennai.5.

3.The Assistant Commissioner
(land Reforms)
Villupuram

4.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.



WEB COPY



WP No. 7954 of 2002

Dr.ANITA SUMANTH J.
AND
C.KUMARAPPAN J.

kmi

WP No.7954 of 2002
AND
WPMP NO.10890 of 2002

26-02-2026