

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twenty Fourth day of February Two Thousand and
Twenty Three

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WP(MD) No.5483 of 2016

GOPALDAS DWARAKADAR
FAMILY TRUST ESTATE,
THROUGH ITS MANAGING TRUSTEE,
GD.GOKULDOSS,
NO. 145, NORTH CHITHIRAI STREET,
SRIRENGAM, TRICHY- 6.

... PETITIONER

Vs

1 THE ASSISTANT COMMISSIONER
LAND REFORMS, OLD COLLECTOR'S OFFICE COMPOUND,
CANTONMENT, TRICHY- 1.

2 THE SPECIAL DEPUTY COLLECTOR
REVENUE COURT, TRICHY.

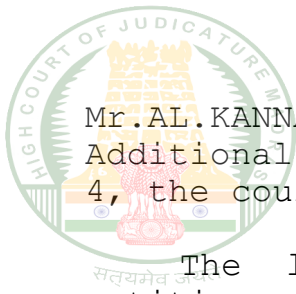
3 THE DISTRICT COLLECTOR
ARIYALUR, ARIYALUR DISTRICT.

4 THE DISTRICT COLLECTOR,
TRICHY, TRICHY DISTRICT.

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus, directing the respondents herein to consider the request of the petitioner trust for grant of compensation for the lands declared as surplus and acquired by the state under the provisions of Tamil Nadu Reforms (Fixation of Ceiling) Act 1961, pursuant to proceedings dated 22.11.1997 in M.R.1/ 7-G/Trichy/37-72 of 1st respondent as published in TamilNadu Gazette notification dated 11.03.1998 and pay the compensation along with interest within the time limit fixed by this Hon'ble Court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.VR.SHANMUGANATHAN, Advocate for



Mr. AL. KANNAN, Advocate for the petitioner and of Mr. J, Additional Government Pleader on behalf of the Respondents No.1 to 4, the court made the following order:-

The learned Counsel for the petitioner submits that the petitioner is entitled for compensation as per Section 50 of the Tamil Nadu Reforms (Fixation of Ceiling) Act, 1961, which is extracted hereunder:

"50. Determination of This heading was [amount] for land acquired by the Government. - (1) Every person whose right, title or interest in any land is acquired by the Government under Chapter II shall be paid [an amount] according to the rate specified in Schedule III [as in force on the date of acquisition of such right, title or interest in any such land].

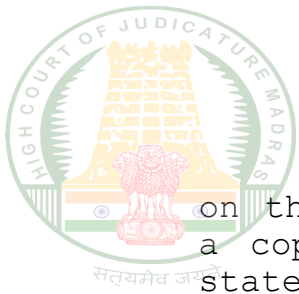
[Explanation. - It is hereby declared that for the purposes of this sub-section "person" shall include family and that where any right, title or interest in any land held by a family or deemed to be held by a family under sub-section (2) of section 5, is acquired by the Government under Chapter II, the amount payable under this sub-section shall be determined in respect of the whole of such right, title or interest of the family in such land as a unit, whether such right, title or interest is held individually or jointly by some or all of the members of that family.]

(2) Any person claiming any [amount] under sub-section (1) may, [within thirty days] from the date of the publication of the notification under sub-section (1) of section 18 prefer the claim before the authorised officer in such form and containing such particulars as may be prescribed.

(3) (a) The authorised officer shall determine the amount at the rate specified in Schedule III, and prepare [a draft assessment roll] in such manner and containing such particulars as may be prescribed. He shall cause it to be published together with-

(i) a statement that the amount specified therein is the entire amount payable for all interests in the land and that subject to the other provisions of this Act, the persons named therein are the only persons who are entitled thereto in the proportion stated therein, and

(ii) a notice stating that objections, if any, in respect of any entry in the draft may be preferred by any person in such manner as may be prescribed [within thirty days] from the date of the publication.



(b) The authorised officer shall cause to be served on the persons whose names appear in the draft aforesaid a copy of the draft together with a copy of the said statement and of the said notice.

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(4) The authorised officer shall consider any objection which may be preferred under sub-section (3) and after giving the parties a reasonable opportunity of being heard and of adducing evidence, if any, pass such order as he thinks fit and record the reasons therefor.

(5) When such objection, if any, in regard thereto has been finally disposed of, the authorised officer shall make such alteration in [the draft assessment roll] as may be necessary to give effect to any order made in regard to the objection and shall cause the draft so altered to be published finally in such manner as may be prescribed.

(6) If no objection is preferred within the period specified in the notice published under sub-section (3), the authorised officer shall cause '[the draft assessment roll]' to be published finally in such manner as may be prescribed.

(7) Every entry in the assessment roll published finally under sub-section (5) or sub-section (6) shall, except as provided in this Act, be final and conclusive evidence of-

(a) the matters referred to therein;

(b) the nature of the interest of the persons name therein; and

(c) the apportionment of the [amount] among the persons claiming interest in the [amount].

(8) When the assessment roll has been published finally under sub-section (5) or sub-section (6), the authorised officer shall, within such time as may be prescribed, endorse a certificate thereon stating the date of the final publication thereof and shall date and subscribe the same with his name and official designation and such certificate shall be conclusive proof of such publication and the date of such publication.

(9) The authorised officer may, if he is satisfied either of his own motion or on the application of any of the parties that a bona fide mistake has been made in regard to any entry in the [draft assessment roll or in the] assessment roll as published finally, make necessary correction therein and on such correction being made, the provisions of sub-sections (3) to (8) shall, as far as

<https://www.mhc.tn.gov.in/judis>, apply thereto.



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(10) Notwithstanding anything contained in section (9), the authorised officer may at any time correct either of his own motion or on the application of any of the parties any clerical or arithmetical mistake in regard to any entry in the [draft assessment roll or in the]assessment roll as published finally."

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3.The learned Additional Government Pleader appearing for the respondents shall get instructions and report before this Court.

List on 02.3.2023.

sd/-

24/02/2023

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01/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

- 1 THE ASSISTANT COMMISSIONER
LAND REFORMS, OLD COLLECTOR'S OFFICE COMPOUND,
CANTONMENT, TRICHY- 1.
- 2 THE SPECIAL DEPUTY COLLECTOR
REVENUE COURT, TRICHY.
- 3 THE DISTRICT COLLECTOR
ARIYALUR, ARIYALUR DISTRICT.
- 4 THE DISTRICT COLLECTOR,
TRICHY, TRICHY DISTRICT.

COPY TO:

Mr.A.KANNAN,
ADDITIONAL GOVERNMENT PLEADER,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

WP(MD) No.5483 of 2016

Date :24/02/2023

SA/SSS/SAR.4/01.03.2023/4P/6C