

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.9643/2013

B. RAJAM AMMAL (D) BY LRS.

Appellant(s)

VERSUS

LAND COMMISSIONER, CHEPAUK AND ORS.

Respondent(s)

O R D E R

We have heard the learned counsel appearing for the parties.

The facts relevant for the purpose of the present appeal are, that the original owner - T.P. Muttiah Chettiar had two sons, namely, Palani Chettiar and Sadasiva Chettiar, who were the members of a Hindu Undivided Family. Palani Chettiar had passed away in 1943, and left behind his wife - Sivakami Ammal, two daughters including the appellant No. 1 and a son i.e., respondent No. 3. On 06.09.1994, the properties were partitioned between the family of Palani Chettiar and Sadasiva Chettiar, vide a registered partition deed. The said Sivakami Ammal was the guardian of respondent No. 3, as he was a minor at the time of execution of the partition deed. Later, proceedings under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (for short, 'the Act') were initiated against the holdings

of respondent No. 3, wherein, certain lands were declared as surplus lands under the Act. The mother of appellant No 1 - Sivakami Ammal had filed a revision petition before the Land Commissioner, which was dismissed on 16.01.1990, on the ground that the plea regarding joint family properties was not raised earlier.

The said order was challenged before the Tamil Nadu Land Reforms Special Appellate Tribunal (for short, 'Appellate Tribunal'), after its constitution by way of TRP No. 631/991, which also came to be dismissed. The Appellate Tribunal held that in view of the partition deed of 1944, the properties would devolve on respondent No. 3, being the only son and Sivakami Ammal shall only act as his guardian, till the former attains majority. There was no share belonging to Sivakami Ammal in the agricultural properties. Subsequently, the dismissal order passed by the Appellate Tribunal was challenged before the High Court, and met with the same fate.

The High Court noted that the Appellate Tribunal rightly rejected the claim of the appellant noting that Sivakami Ammal was only the guardian of respondent No.3. It was further noted that after attaining majority, respondent No.3 had become the absolute owner of his father's properties and executed sale deeds in 1969 and 1972, respectively.

Aggrieved by the same, the present appeal has been preferred.

Mr. K.K. Mani, the learned counsel appearing for the appellant(s) vehemently contended that in view of the judgment passed by of the High Court, there is an enlargement of property rights.

The fact remains that there was a registered partition deed *inter se* the families of Palani Chettiar and Sadasiva Chettiar, which is not in dispute. Under the said partition deed the appellant had been given her specific share in the non-agricultural properties. The contention of the learned counsel appearing for the appellant, thus, would be in contravention of the registered partition deed which has become final *inter se* the parties.

Therefore, we find no reason to interfere with the impugned order.

The appeal stands dismissed, accordingly.

Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[NONGMEIKAPAM KOTISWAR SINGH]

ITEM NO.102

COURT NO.5

SECTION XII-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 9643/2013

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Respondent(s)

Date : 04-02-2026 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Appellant(s) Mr. K. K. Mani, AOR
Ms. T.archana, Adv.
Mr. Rajeev Gupta, Adv.

For Respondent(s) Mr. Sabarish Subramanian, AOR

UPON hearing the counsel the Court made the following
O R D E RThe appeal stands dismissed in terms of the
signed order.Pending application(s), if any, shall stand
disposed of.(ASHA SUNDRIYAL)
DEPUTY REGISTRAR(POONAM VAID)
ASSISTANT REGISTRAR

[Signed order is placed on the file]