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W.P.No.18846 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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|----------------------|-------------------|
| Orders Reserved on | 22.11.2024 |
| Orders Pronounced on | 04.12.2024 |

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.18846 of 2024and W.M.P.Nos.20672, 20675, 21396 & 32116 of 2024

T.H.Rajmohan

.. Petitioner

vs

1. The Secretary to the Government,
Revenue Department,
Fort St. George,
Chennai-600 005.

2.The Secretary to the Government,
Environment, Climate Change and Forests Department,
Fort St. George, Chennai-600 005.

3. The District Collector,
Thiruvallur District,
Thiruvallur-602 001.



4. The Special Commissioner and Commissioner
of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

5. The District Revenue Officer,
Thiruvallur District, Thiruvallur-602 001.

6. The Tahsildar,
Office of Avadi Taluk, Avadi,
Chennai-600 072.

7. The Commissioner,
Avadi Municipal Corporation,
Avadi, Chennai-600 054.

8. Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

9. The Sub-Registrar,
Sub Registrar Office,
Villivakkam Panchayat,
Union Office Complex, Ambattur, Chennai-600 053.

10. The Director,
Commissionerate of Municipal Administration,
Ezhilagam, Annex Building,
6th floor, Chepauk, Chennai-600 005.

11. Union of India,
Represented by Secretary to Government,
Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhavan,
Jarbagh Road, New Delhi-110 003.



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12. M/s.Vishal Developers,
Represented by its Managing Partner Mr.Ramanan,
S/o. Late Balagangatharan, No.3A,
Kathiravan salai, Neelankarai,
Chennai-600 041.

(R12 impleaded as per order dated 03.09.2024 in
W.M.P.No.24704 of 2024 in W.P.No.18846 of 2024
by ACJ & PBBJ)

13. C.Gnanasekaran

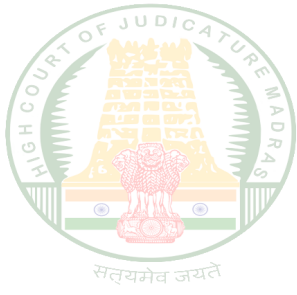
(R13 impleaded as per order dated 03.09.2024 in
W.M.P.No.25668 of 2024 in W.P.No.18846 of 2024
by ACJ & PBBJ)

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned G.O.Ms.No.571, dated 29.09.2007 issued by the 1st Respondent and quash the same and consequently for a direction directing the respondents 4 to 10 to mark the land measuring to an extent of Acre 13.00 cents comprised in Survey No.209/2 of Thirumullaivoyal village, Avadi taluk, Thiruvallur District as “RESERVED FOREST LAND” in all the Revenue records, to put up a sign board indicating that land measuring to an extent of Acre 13.00 cents comprised in Survey no.209/2 of Thirumullaivoyal village is a “RESERVED FOREST LAND” and preventing any person from trespassing, alienating or encumbering into the land.

For Petitioner

: Mr. Samir S. Shah
for Mr.S.John Josh,



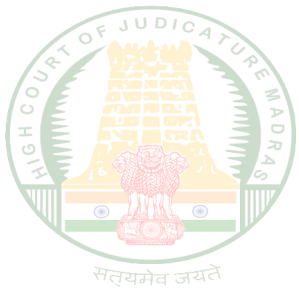
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Mr.T.V.Kamalanathan &
Mr.P.Saravanan

- For R1, 3 to 6, 9 & 10 : Mr.J.Ravindran,
Additional Advocate
General,
assisted by
Mr.A.Edwin Prabhakar,
State Government
Pleader assisted by
Mr.M.Habeeb Rahman,
Government Advocate
- For R2 : Mr.J.Ravindran,
Additional Advocate
General,
assisted by
Mr.Dr.R.Seenivasan,
Special Government
Pleader (Forest)
- For R7 : Mr.R.A.Gopinath,
Standing Counsel
(Corporation)
- For R8 : Mr.R.Thamaraiselvan,
Standing Counsel
(CMDA)
- For R11 : Mrs.V.Sudha, Central
Government Standing
Counsel
- For R12 : Mr.Satish Parasaran,
Senior Advocate
for M/s.Ganesh &
Ganesh
- For R13 : Mr.P.Wilson,
Senior Advocate for
Mr.Kuberan for



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Advocate Commissioner : M/s.Rank Associates
: Mr.R.Tholgappian

ORDER

(Order of the Court was delivered by Senthilkumar Ramamoorthy, J.)

Background

In a petition styled as public interest litigation (PIL), the petitioner assails G.O.Ms.No.571, Revenue (L.D. I(1)) Department dated 29.09.2007 (G.O.Ms.No.571) and seeks a direction to respondents 4 to 10 to mark the land measuring an extent of 13 acres in S.No.209/2 of Tirumullaivoyal Village, Avadi Taluk, Tiruvallur District, as “reserved forest land” in all revenue records; put up a sign board indicating that it is reserved forest land; and prevent any person from trespassing upon, alienating or encumbering the land.

2. In the affidavit in support of the writ petition, the affiant is described as a 67 year old person. The affidavit contains the assertion that the affiant's annual income is more than Rs.5,00,000/-. It is further stated therein that an extent of 556.85 acres in S.No.209 was classified as “reserved forest land” since the year 1905 as per the Re-survey, Re-



settlement Paisalathy Register. According to the petitioner, the above land was later sub-divided and that an extent of 40.95 acres in S.No.209/2 is mentioned as “reserved forest land”.

3. While the respondents deny that the said extent of 40.95 acres was “reserved forest land” at the time of assignment, the common ground between the parties is that this land was assigned to Imperial Chemical Industries (India) Limited (the Assignee) on 26.01.1942 subject to the terms and conditions specified in the order of assignment. The petitioner asserts that G.O.Ms.No.650, Revenue Department, dated 09.04.1983 (G.O.Ms.No.650), was issued thereafter resuming 25.55 acres (1,03,400.39 square metres) from and out of the total extent of 40.95 acres, and the Assignee (whose name had been changed to Crescent Dyes and Chemicals Limited, Madras as on 09.04.1983) was permitted to retain only 15.59 acres (63,095 square metres).

4. Thereafter, on 13.03.1984, a show cause notice was issued to the Assignee with regard to the proposed revocation of lease. A further show cause notice in this regard was issued on 14.10.1985. Eventually, by order dated 06.06.1986, the resumption of land for violation of the terms and



conditions of assignment was upheld by the Special Commissioner-cum-Commissioner of Land Administration. This order was challenged in W.P.No.5437 of 1986. By order dated 15.03.1996, the writ petition was dismissed. The appeal against this order in W.A.No.1194 of 1996 was, however, allowed by quashing the order dated 06.06.1986. The petitioner alleges that the issuance of G.O.Ms.No.650 was suppressed in these proceedings. As a result, the petitioner asserts that this Court was not informed that the Assignee was permitted to retain only 15.59 acres out of the larger extent of 40.95 acres.

5. After obtaining an order in the writ appeal by suppressing material facts, the petitioner states that the Assignee obtained permission to sell the entire extent of 40.95 acres by using the influence of Mr.C.Gnanasekaran, former Member of Legislative Assembly (MLA), by way of recommendation dated 07.11.2000 to the Commissioner of Land Administration. The petitioner further alleges that such permission was obtained by stealthily changing the classification of the land from “reserved forest land” to “Government land” and thereafter to “private land”.



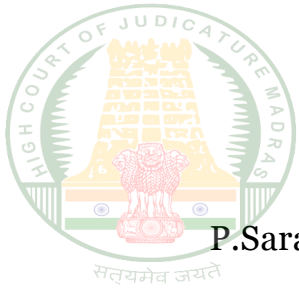
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6. After obtaining such permission, the petitioner states that the Assignee (whose name and constitution had undergone further changes by then) sold 19.99 acres to Mr.C.Gnanasekaran and a further extent of 20.02 acres to Mekala Gnanasekaran. The petitioner further states that Mr.C.Gnanasekaran, his son and six others sold 9.10 acres in S.No.209/2 to M/s.Chennai Holdings and an extent of 3.40 acres in the same survey number to M/s.Vishal Developers. By further asserting that there was a balance extent of 13 acres, the petitioner seeks to safeguard the said balance extent by filing the present writ petition.

7. After the writ petition was filed, by order dated 03.09.2024 in W.M.P.Nos.24704 of 2024 and 25668 of 2024, M/s.Vishal Developers and Mr.C.Gnanasekaran were impleaded as the 12th and 13th respondents, respectively.

Counsel and their contentions

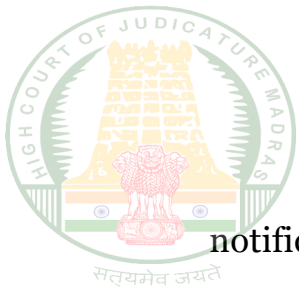
8. Oral arguments on behalf of the petitioner were advanced by Mr.Samir S. Shah for M/s. S.John Josh, T.V.Kamalanathan and



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P.Saravanan. Mr.J.Ravindran, learned Additional Advocate General (AAG), assisted by Mr.A.Edwin Prabakar, learned Government Pleader, appeared for respondents 1, 3 to 6, 9 & 10 and advanced oral arguments. Mr.J.Ravindran, learned AAG, assisted by Mr.T.Seenivasan, learned Special Government Pleader (Forest), appeared for the 2nd respondent and advanced oral arguments. Mr.R.A.Gopinath, learned standing counsel for the Corporation, appeared for the 7th respondent. Mr.R.Thamaraiselvan, learned standing counsel, appeared for Chennai Metropolitan Development Authority (CMDA)/8th respondent. Mrs.V.Sudha, learned Central Government Standing Counsel, appeared for the 11th respondent. Mr.Satish Parasaran, learned Senior Counsel, appeared for M/s.Ganesh and Ganesh for the 12th respondent and advanced oral arguments. Mr.P.Wilson, learned Senior Counsel, appeared for Mr.Kuberan of M/s.Rank Associates for the 13th respondent and advanced oral arguments, .

9. The first contention of Mr. Shah was that the entire extent of land in S.No.209 was not de-notified. By pointing out that S.No.209 ad measured about 556.85 acres, learned counsel submitted that the de-



notification was limited to an aggregate extent of 492.74 acres under Notification Nos.5924, 5925 & 5926, which were published in G.O.Ms.No.3676, Food and Agriculture Department, dated 01.12.1962 (G.O.Ms.No.3676). He contended that even if this extent of 492.74 acres were to be excluded from the aggregate extent of 556.85 acres, an extent of about 64.11 acres would remain. In fact, he contended that, even if the extent of 526.85 acres, which is mentioned in the report of the Advocate Commissioner, is taken into consideration, an extent of about 34.11 acres would remain as “reserved forest land”.

10. The next contention of Mr. Shah was that the Assignee flouted the terms and conditions of the assignment. Therefore, G.O.Ms.No.650 was issued on 09.04.1983 for the resumption of 1,03,400.39 square metres of land from and out of the total extent of 1,65,805 square metres. By further pointing out that the order of resumption was not challenged by the Assignee, he contended that the Assignee retained the grant only with regard to 15.59 acres and not 40.95 acres. While challenging the order of cancellation dated 06.06.1986, learned counsel contended that G.O.Ms.No.650 was suppressed and that such suppression vitiates the order dated 11.08.2004 in W.A.No.1194 of 1996.

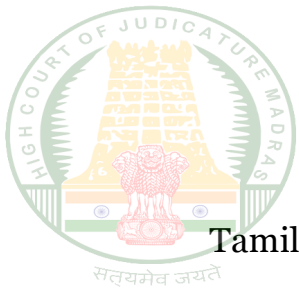


WEB COPY 11. Learned counsel also contended that the permission for the sale of 40.95 acres was granted by the Government for extraneous considerations, and that this is evident from the recommendation by Mr.C.Gnanasekaran to the Commissioner of Land Administration on 07.11.2000, which is referred to in letter dated 09.03.2001 from the Commissioner of Land Administration, Chennai to the District Revenue Officer, Tiruvallur District. Learned counsel points out that Mr.C.Gnanasekaran abused his position as a former MLA to make such recommendation.

12. By order dated 21.11.2024, we directed Mr.T.H.Rajmohan, the petitioner, to be present during the hearing on 22.11.2024. At the hearing on 22.11.2024, questions were put to him with regard to his age, occupation, annual income, knowledge of English, etc. He stated that his age is 63 years; he carries on milk retail business; and earns about Rs.3 lakhs per annum. He further stated that he can read, but cannot understand English.



WEB COPY 13. In response to the contentions of Mr. Shah, learned AAG submitted that the entire extent of land in S.No.209 in Tirumullaivoyal Village was de-notified in the year 1962. By referring to the counter affidavit affirmed by Ms.P.Amudha, Principal Secretary to the Government, Revenue & Disaster Management Department, he pointed out that 40.95 acres in S.No.209/2 and an extent of 0.02 acres in S.No.883 of Tirumullaivoyal Village were assigned in favour of Imperial Chemical Industries (India) Limited for a sum of Rs.2,056/- on 16.06.1942. He also pointed out that the resumption of 1,03,400.39 square metres under G.O.Ms.No.650 was challenged by the Assignee by filing an appeal before the Special Commissioner, Commissioner of Land Reforms and that such appeal was dismissed. Against the order of dismissal dated 04.12.1990, W.P.Nos.2821 & 2822 of 1991 were filed. These petitions were transferred to the Tamil Nadu Land Reforms Special Appellate Tribunal and numbered as TRP Nos.126 & 255/1999. By order dated 22.06.2000, it was recorded that the proceedings of the Assistant Commissioner, Urban Land Tax, Poonamallee, as confirmed by the Special Commissioner, shall stand abated in view of Section 4 of the



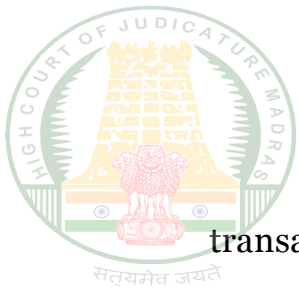
Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act, 1999.

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14. Learned AAG further submitted that the subsequent order of resumption dated 06.06.1986 was challenged by the Assignee by filing W.P.No.5437 of 1986. Against the order of dismissal of the writ petition, W.A.No.1194 of 1996 was filed and such appeal was allowed by order dated 11.08.2004. He further submitted that the Government decided not to file a Special Leave Petition (SLP) against the order of the Division Bench. In those circumstances, he submitted that permission was granted to the Assignee to alienate 40.97 acres under G.O.Ms.No.571 dated 29.09.2007.

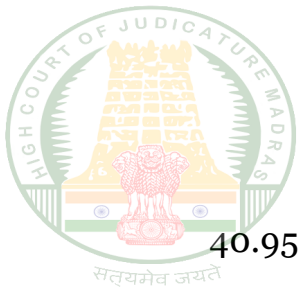
15. The last contention of learned AAG was that the petitioner has not instituted this petition *bona fide*. He pointed out that the petitioner was prosecuted for encroaching upon Government land and, therefore, this petition is liable to be dismissed.

16. Mr.P.Wilson made submissions on behalf of the 13th respondent. By referring to and relying upon a chart showing



transactions relating to the extent of 40.97 acres in S.No.209/2 and S.No.883, he contended that multiple transactions had taken place in respect thereof. In particular, he pointed out that an extent of 20.01 acres was conveyed by Mr.C.Gnanasekaran and others to VGN Enterprises Private Limited and that the said developer had constructed and sold about 1000 flats. In these circumstances, he contended that the challenge to G.O.Ms.No.571 is not only belated but selective. He also referred to the counter affidavits of the Government to point out that both the Principal Secretary to the Government and the Deputy Secretary to the Government, Environment, Climate Change and Forests Department stated categorically in paragraphs 6 and 5, respectively, of their counter affidavits that the lands in Tirumullaivoyal Village ceased to be reserved forest lands pursuant to G.O.Ms.No.3676.

17. By referring to the report of the Advocate Commissioner, Mr. Wilson pointed out that such report also refers to the de-notification of the reserved forest area in 1962 and states categorically that the extent of



40.95 acres in S.No.209/2 stands fully converted and developed into a township of residential buildings. He also pointed out that the petitioner had not filed any objections to the Advocate Commissioner's report.

18. In conclusion, Mr. Wilson referred to and relied upon the judgment of the Hon'ble Supreme Court in *State of Uttaranchal v. Balwant Singh Chaufal and others*, (2010) 3 SCC 402 (*Balwant Singh Chaufal*), particularly paragraph 181 thereof, with regard to the necessity to preserve the purity and sanctity of PILs by discouraging PILs filed with an oblique motive by imposing exemplary costs. He also relied upon the judgment of the Supreme Court in *R & M Trust v. Koramangala Residents Vigilance Group and others*, (2005) 3 SCC 91 with regard to delay being an important consideration while deciding PILs.

19. Mr.Satish Parasaran referred to a chart depicting the changes in the name of the Assignee and conveyances effected in favour of multiple parties and contended that the 12th respondent has been unfairly targeted by the petitioner, and that these proceedings are *mala fide*. He also submitted that the order dated 06.06.1986 cancelling the



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assignment was successfully challenged in W.A.No.1194 of 1996, and that

the Government did not challenge the order in appeal by way of SLP.

After pointing out that permission was obtained for sale of the extent of 40.97 acres in S.No.209/2 and S.No.883, he also pointed out that proceedings under G.O.Ms.No.650 abated on account of the repeal of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (the TN Urban Land Ceiling Act). In this connection, he referred to paragraph 16 of the counter affidavit of the 1st respondent. His next contention was that the 12th respondent suffered grave injury as a result of this petition. By referring to news reports pertaining to the case both on television and in the print media, learned senior counsel submitted that bookings for the development of the residential complex were badly affected as a result of such news releases.

20. By way of a short rejoinder, Mr. Shah submitted that the petition was confined to the balance 13 acres in S.No.209/2 so as to at least preserve the remaining extent of land. He further submitted that the abatement of proceedings under the TN Urban Land Ceiling Act were not referred to in any of the sale deeds. Therefore, he concluded his



submissions by stating that the petitioner had approached the Court *bona fide*.

Discussion, analysis and conclusion

21. As stated at the outset, the challenge is to an order issued on 29.09.2007 granting permission for the sale of 40.97 acres. The writ petition was filed in June 2024, which is about 17 years after the impugned order was issued. Hence, the first aspect to be examined is whether the delay was explained satisfactorily and, if not, whether the petition is liable to be dismissed for laches. In the affidavit in support of the writ petition, the petitioner refers to the issuance of a representation dated 05.01.2024 by the petitioner and to the receipt by the petitioner of a communication dated 19.02.2024 from the Member Secretary, CMDA. However, there is no explanation at all for the delay in filing the writ petition. The next aspect that falls for consideration is whether the facts set out in the affidavit are true and correct and whether all material facts were disclosed.

22. The affidavit mentions the age of the petitioner as 67 years,



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whereas, at the hearing on 22.11.2024, when asked for his age, the petitioner stated that he is 63 years old. The petitioner has annexed his Aadhaar card to the petition. The date of birth mentioned therein is 03.09.1962, i.e. his age is about 62 years. The petitioner also annexed his PAN card to the petition. The date of birth mentioned therein is 10.08.1963. As regards the petitioner's annual income, it is stated in paragraph 2 of the affidavit that his annual income is more than Rs.5 lakhs. When questioned about his annual income in Court, he replied that his annual income is about Rs.3 lakhs. In the affidavit, it was stated that his source of income is through business. On being questioned in Court, he stated that he carries on the business of selling milk. Thus, there is mismatch not only between the statements in the affidavit and statements made in Court but also between statements made in the affidavit and details provided in documents annexed to the petition.

23. The affidavit of the petitioner contains about 34 paragraphs and spans about 35 pages. On closely examining such affidavit, it sets out the history of the land falling in S.No.209 from the year 1905, when it was classified as reserved forest land. Curiously, in spite of providing



several details regarding the land, there is no mention in the affidavit about the lands being de-notified in 1962. In course of oral submissions, learned counsel for the petitioner endeavoured to explain such omission by contending that the de-notification did not cover the entire extent of land in S.No.209 because the total extent was about 556.85 acres. This does not, however, explain the absence of any reference to de-notification in the affidavit.

24. Mr.R.Tholgappian, Advocate, was appointed as Commissioner by order dated 16.07.2024. Pursuant to the warrant of appointment, the Commissioner filed a report dated 27.08.2024 with several annexures thereto. In this report, the Advocate Commissioner referred to three notifications viz., G.O.Ms.No.986, Revenue, dated 04.12.1890; Notification No.102, dated 25.02.1898; and Notification No.329, dated 18.07.1898, by which Tirumullaivoyal, Tirumullaivoyal Extension-I and Tirumullaivoyal Extension-II, respectively, were declared as “Reserve Forest” under the Madras Forest Act, 1882. The Advocate Commissioner has also referred, in his report, to three notifications under which the lands were de-notified. The relevant paragraph is as under:



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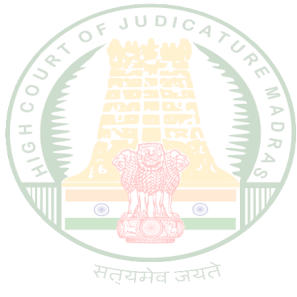
“Subsequently, by way of three separate Notification Nos.5924, 5925 and 5926, issued in G.O.Ms.No.3676, Food and Agriculture dated 01.12.1962, the Government in exercise of powers under Section 24 of the Madras Forest Act, 1882, the area of 386 acres, 90 acres and 16.74 acres respectively notified as reserve forest under the above referred G.O and notifications were declared as having ceased to be reserved forest on and from 01.12.1962. ”

25. While concluding the report, the Advocate Commissioner has further stated as under:

“In sum and substance, whatever be the sub divisions made from time to time as referred to above, the fact remains that the subject land comprised in S.No.209/2 measuring 16.54.00 Hectares (40.95 acres) in entirety is no longer in existence as reserved forest in the current revenue records and physically stands fully converted and developed in to a township of residential buildings.

....

The subject land measuring 40.95 acres in S.No.209/2, which was once part of the larger area of 526.85 acres and classified as reserved forest has



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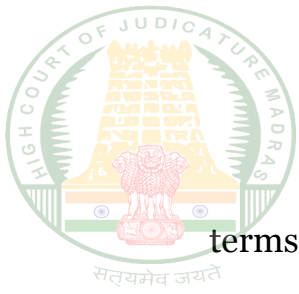


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undergone transmutation in to a well-developed residential locality over the years following the decision of the State Government published in G.O.Ms.No.571, Revenue Department, dated 29.9.2007, which forms the subject matter of challenge in the writ petition.”

The conclusion that follows from the above report is that the total extent of 40.95 acres, which is the subject of impugned G.O.Ms.No.571, stands de-notified and is not reserved forest land. Thus, especially when examined in light of the Commissioner's report, it is clear that the petitioner failed to disclose a material and salient fact regarding de-notification.

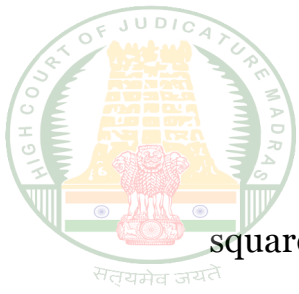
26. The next aspect to be examined is whether the petitioner has, nonetheless, made out a case to interfere with the order granting permission to sell the lands. By order dated 06.06.1986, the Special Commissioner and Commissioner of Land Administration concluded that the Assignee, Imperial Chemical Industries (India) Limited, was no longer in possession of the land and that the lands were held by a new company styled as “Crescent Dyes and Chemicals Limited”. On that basis, the Special Commissioner concluded that the Assignee had violated the



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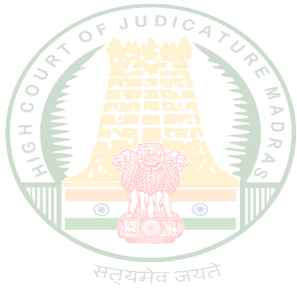
terms and conditions of the assignment dated 04.07.1942. Consequently, resumption was ordered. This order was challenged in W.P.No.5437 of 1986. Against the order of dismissal of the writ petition, the petitioner therein filed W.A.No.1194 of 1996. By judgment dated 11.08.2004, the Division Bench noticed that the learned Single Judge had erred in not noticing that the name of the company had changed from Imperial Chemicals Industries (India) Limited to ICI (India) Private Limited on 01.10.1964 and thereafter from ICI (India) Private Limited to Crescent Dyes and Chemicals Limited on 17.03.1978. Therefore, the Division Bench concluded that the Assignee had neither transferred possession nor ownership. For such reason, the order of the learned Single Judge and the Special Commissioner were set aside. Upon application by the Assignee, thereafter, by impugned G.O.Ms.No.571, permission was granted to the Assignee to sell the lands assigned to it. The impugned notification also records that a SLP need not be filed in the Supreme Court against the order dated 11.08.2004 in W.A.No.1194 of 1996.

27. The primary ground on which G.O.Ms.No.571 was assailed was that the Assignee suppressed G.O.Ms.No.650 by which 1,03,400.39



square metres from and out of the total extent of 1,65,805 square metres were resumed. In the counter affidavit of Ms.P.Amudha on behalf of the 1st respondent, G.O.Ms.No.650 is dealt with in paragraphs 7 to 9. In particular, it is recorded that G.O.Ms.No.650 was challenged before the Special Commissioner. Against the order of dismissal, W.P.Nos.2821 & 2822 of 1991 were filed and that such writ petitions were transferred to the Tamil Nadu Land Reforms Special Appellate Tribunal and re-numbered as TRP Nos.126 of 1999 and 255 of 1999. In paragraph 9 of the counter affidavit, the relevant part of order dated 22.06.2000 of the Tamil Nadu Land Reforms Special Appellate Tribunal has been extracted. The said order, in relevant part, is as under:

“In the light of the endorsement made by the petitioner's counsel on this petition and in view of Section 4 of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999 (Tamil Nadu Act 20/1999), the proceedings of the Assistant Commissioner as confirmed by the Special Commissioner shall stand abated. However the orders of the Government in G.O.Ms.No.650 (Revenue) dated 09.04.1983, granting exemption to an extent of 63,095 sq.mtrs in favour of the petitioner will continue to be operative as per the provisions of Section 3(1)(b) of the



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Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act 20/1999. TRP.126/1999 and TRP.255/1999 is disposed of accordingly.”

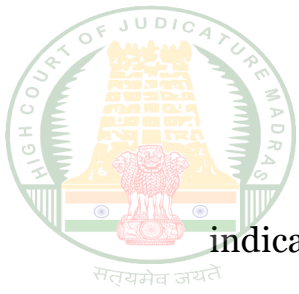
28. From the above narration, it is clear that it was recorded in proceedings before the Tamil Nadu Land Reforms Special Appellate Tribunal that further proceedings under the TN Urban Land Ceiling Act had abated. It should also be noticed that impugned G.O.Ms.No.571 refers to G.O.Ms.No.650. In these circumstances, there is no infirmity in impugned G.O.Ms.No.571.

29. The last aspect to be considered is whether the petition was filed *bona fide* and, if not, whether costs should be imposed on the petitioner. As adverted to earlier, there is discrepancy between the age of the affiant, as mentioned in the affidavit, and the age mentioned in the documents appended to the affidavit. In fact, there is discrepancy even as between the date of birth specified in the Aadhaar card of the petitioner and that specified in the PAN card. The age mentioned by the petitioner when he appeared in person in Court also does not match the age specified in the affidavit. As stated earlier, in spite of filing a 35 page



affidavit containing several details about lands in S.No.209 of Tirumullaivoyal village, the affidavit is completely silent about the de-notification of the reserved forest land. Given the extensive nature of the affidavit, the only reasonable inference is that the omission of this material fact was intentional.

30. There is also discrepancy between the annual income of Rs.5 lakhs mentioned in the petition and the petitioner's answer in Court that the annual income is about Rs.3 lakhs. Significantly, when questioned in Court, the petitioner stated that he can read but cannot understand English. However, not only is the affidavit signed in English, but most of the documents referred to and relied upon therein are in the English language. Only two inferences may be drawn in this regard. Either the petitioner lied in Court or he has been set up as a front by somebody to orchestrate the petition. In either case, it is just and necessary to impose costs on the petitioner so as to deter the filing of petitions, particularly by way of PILs, misstating or suppressing facts with oblique motives. In this connection, the 12th respondent placed on record several news releases shortly after this petition was filed, in the television and print media,



indicating that reserved forest land was alienated in favour of a private party. Irrespective of whether such news releases originated from the petitioner, this would certainly have caused significant losses to the business and reputation of the 12th respondent. In our view, when the facts and circumstances are considered cumulatively in light of the principles enunciated in paragraph 181 of *Balwant Singh Chauhal*, it is appropriate to not only impose costs on the petitioner but also restrain him from filing PILs in this Court for a year without obtaining prior permission.

31. In the result, it is ordered as follows:

(i) W.P.No.18846 of 2024 is dismissed.

(ii) The petitioner is restrained from filing any PIL in this Court, without prior permission, for a period of one year from the date of receipt of a copy of this order.

(iii) The petitioner is directed to pay a sum of Rs.10,00,000/- (Rupees Ten lakhs only) as costs to the 12th respondent.

(iv) The petitioner is directed to pay a further sum of



Rs.10,00,000/- (Rupees Ten lakhs only) as costs to the Tamil Nadu State

Legal Services Authority.

(v) Such costs shall be paid within a period of four weeks from the date of receipt of a copy of this order and an affidavit of compliance shall be filed in the registry within a week therefrom.

(vi) Consequently, connected miscellaneous petitions are closed.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY J.)

04.12.2024

Index : Yes/No
Speaking/
Non-Speaking Order : Yes/No
Neutral Citation : Yes/No
kj

To:

1. The Secretary to the Government,
Revenue Department, Fort St. George,
Chennai-600 005.
2. The Secretary to the Government,
Environment, Climate Change and Forests Department,
Fort St. George, Chennai-600 005.
3. The District Collector, Thiruvallur District,
Thiruvallur-602 001.
4. The Special Commissioner and Commissioner
of Land Administration, Ezhilagam, Chepauk,
Chennai-600 005.
5. The District Revenue Officer,
Thiruvallur District, Thiruvallur-602 001.



W.P.No.18846 of 2024



6. The Tahsildar,
Office of Avadi Taluk, Avadi, Chennai-600 072.
7. The Commissioner,
Avadi Municipal Corporation,
Avadi, Chennai-600 054.
8. Chennai Metropolitan
Development Authority, Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
9. The Sub-Registrar, Sub Registrar Office,
Villivakkam Panchayat, Union Office Complex,
Ambattur, Chennai-600 053.
10. The Director,
Commissionerate of Municipal Administration,
Ezhilagam, Annex Building,
6th floor, Chepauk, Chennai-600 005.
11. Union of India,
Represented by Secretary to Government,
Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhavan,
Jarbagh Road,
New Delhi-110 003.



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W.P.No.18846 of 2024

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

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Pre-delivery order in

W.P.No.18846 of 2024
and W.M.P.Nos.20672, 20675,
21396 & 32116 of 2024

04.12.2024