

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31489 of 2014

1. C.Govindaraj
S/o.Chendrayan

2. G.Prabhakar
S/o.C.Govindaraj

3. G.Kamalakannan
S/o.C.Govindaraj

.... Petitioners

vs.

1. The Assistant Commissioner of
Urban Land Ceiling (Salem),
O/o.The Assistant Commissioner
of Urban Land Ceiling,
near Fire Service Station,
Erode.

2. The Tahsildar,
Salem Taluk,
Salem.

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to carry out necessary mutation in the village records by entering the petitioners' name as pattadhars of the property having an extent of 7035 sq.ft. (16 cents) comprised in Survey No.135/11 (Sub-Division Nos.135/11C and 135/11F) and its sub-divisions of No.54, Alagapuram Pudhur Village in Salem Taluk and District (As per new Survey Settlement, Ward E, Block 23, T.S.No.196/1) and to issue patta in the petitioners' names, in the light of the order dated 20.07.2012 passed by this Court in W.P.No.4102 of 2003 by considering the petitioners' request made on 25.02.2013 and reminder dated 23.04.2014 within a reasonable time to be fixed by this Court.

For Petitioners : Mr.R.Neelakandan

For Respondents : Mr.S.Gunasekaran,
Government Advocate

O R D E R

Heard Mr.R.Neelakandan, learned counsel for petitioners and Mr.S.Gunasekaran, learned Government Advocate for respondents and perused the materials placed on record.

2. Petitioners challenged the proceedings initiated under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 in W.P.No.4102 of 2003. During the pendency of the writ petition, the petitioner had the benefit of interim stay. Ultimately, the writ petition was allowed by order dated 20.07.2012 and the orders passed by the Assistant Commissioner of Urban Land Ceiling, Salem, was declared as null and void and that they would not confer any right or interest to transfer or convey or assign the lands and therefore, a writ of mandamus as sought for was issued. Further, liberty was granted to the petitioner to seek for mutation of revenue records, if necessary. Pursuant thereto, the petitioners have submitted a representation for transfer of patta. Since their representation has not been considered, the present writ petition has been filed.

3. Learned Government Advocate submits that it is not known as to whether the Government has preferred any appeal as against the order passed in the writ petition. He further submits that the matter may be directed to be considered on merits.

4. In the light of the above, this Court, without going into the contentions of the petitioners, directs the second respondent to consider the petitioner's representation for grant of patta by taking note of the above facts and after conducting due verification as to the finality of the order passed in W.P.No.4102 of 2003 dated 20.07.2012 and if there is no other legal impediment, shall pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

-s/d-

Assistant Registrar(J)

Dt:31/3/2015

True Copy

Sub-Assistant Registrar

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To

1. The Assistant Commissioner of
Urban Land Ceiling (Salem),
O/o.The Assistant Commissioner
of Urban Land Ceiling,
near Fire Service Station,
Erode.
 2. The Tahsildar,
Salem Taluk,
Salem.
- + 1 cc to Govt.Pleader SR 16069

kji(co)
prk1/4

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