

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16347 of 2015

N.Krishnan

.. Petitioner

Versus

- 1 The Director
Urban Land Ceiling and Urban LandTax
Chepauk Chennai-5
- 2 The Asst. Commissioner cum
competent Authority Urban Land Ceiling Salem
- 3 The Asst. Commissioner cum
competent Authority Urban Land Ceiling
Jawan Bhavan Building Kamarajar Road Near
Fire Station Building Erode-2
- 4 The Tahsildar
District Collectorate Salem 636 001
- 5 The Deputy Tahsildar
Cherry Road Salem 636 001

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents particularly the respondents 4 and 5 to issue patta for the house site measuring 1620 Sq.ft. out of 63 cents in the larger extent of 3.12 acres in Survey No.424/3 of Ammapet Village Salem Taluk Salem Town in the name of the petitioner within a time frame as may be stipulated by this Honourable court.

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For Petitioner : Mr.D.Shivakumaran
For Respondents : Mr.Dig Vijaya Pandian
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he has purchased a house site measuring to an extent of 1620 sq.ft., out of 63 cents in the larger

extent of 3.12 acres in Survey No.424/3 of Ammapet Village, Salem Taluk, Salem City, by virtue of a registered sale deed dated 01.03.1999 and the vendor of the petitioner had purchased the same on 29.05.1985 as a vacant site.

3. The petitioner would further claim that right from the date of his purchase, he is in continuous possession and enjoyment of the same as the absolute owner thereof. Later on the petitioner came to know that the 2nd respondent has passed an order under Section 9(5) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 and the petitioner along with 40 persons has filed a Special Revision case before the Special Appellate Tribunal under Section 15 of the said Act and in view of the abolition of the Tribunal, the revision stood transferred to the file of this Court and renumbered as CRP No.1921 of 2003 and subsequently, it was converted as W.P.No.8613 of 2004. The said writ petition came to be allowed on 23.07.2010, reported in (2010) 8 MLJ 449 [G.P.Saraswathi and Others Vs. Assistant Commissioner cum Competent Authority (Urban Land Ceiling), Salem and Another] and thereby the Urban Land Ceiling proceedings have been quashed. Thereafter, the petitioner submitted an application dated 14.06.2014 for transfer of patta to the jurisdictional District Revenue Officer, as well as to the 4th respondent and it was also followed by reminders in the form of lawyer's notice dated 25.08.2014 and 24.09.2014 and inspite of the receipt of the same, the petitioner is not favoured with any kind of response and hence, came forward to file this writ petition.

4. Mr.D.Shivakumaran, learned counsel appearing for the petitioner would contend that since the urban land ceiling proceedings initiated against the petitioner and other land owners have been quashed, there cannot be any impediment on the part of the 4th respondent to transfer patta and for the reasons best known to them, the 4th respondent is sitting on the representation and hence, prays for appropriate orders.

5. In response to the said submission, Mr.Dig Vijaya Pandian, learned Additional Government Pleader, who accepts notice on behalf of respondents, would submit that the 2nd respondent is the competent authority to pass orders. However, learned counsel for the petitioner would contend that the office of the 2nd respondent, is no longer functioning and it has been closed and therefore the competent authority to pass orders are the respondents 4 and 5.

6. Though, the petitioner has prayed for a larger relief, this Court in the facts and circumstances of this case, is of the view that it would be suffice to direct the respondents 4 and 5 to dispose of the petitioner's application/representation for transfer of patta as well as the subsequent reminders in accordance with law, within a stipulated time.

7. This Court, without going into the merits of the claim projected by the petitioner, directs the respondents 4 and 5 to consider the petitioner's representation dated 14.06.2014 as well as the reminders in the form of lawyer's notice dated 25.08.2014 and

24.09.2014, in accordance with law, after putting on notice the persons concerned and pass orders as expeditiously as possible and not later than ten weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well as to the persons concerned.

8. The writ petition is disposed of, accordingly. No costs.

-sd/-

ASSISTANT REGISTRAR(CS III)

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SUB-ASSISTANT REGISTRAR

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To

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+1 CC to MR.D.SHIVAKUMARAN ADVOCATE. SR.NO. 27907

+1 CC to GOVERNMENT PLEADER, HIGH COURT, MADARS. SR.NO. 28289

W.P.No.16347 of 2015

CO-GP

JD 30/06/2015