

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 26411 of 2015

&

M.P. No. 1 of 2015

N. Mannar

..Petitioner

Vs.

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
2. The District Collector,
Tiruvallur District,
Tiruvallur - 632 101.
3. The Tahsildar,
Madhavaram Taluk,
Madhavaram,
Chennai - 60.
4. The Assistant Commissioner,
The Urban Land Tax and Ceiling,
Madhavaram,
No.2, Vivek Nagar, Red Hills Road,
Kolathur, Chennai - 99.
5. The Commissioner,
Land Reforms, Ezhilagam,
Chennai.

(R5 suo motu impleaded as per order of Court
dated 25.08.2015 by NKKJ)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Mandamus directing the respondents to
dispose of the representation dated 24.07.2015 and further direct the
respondents to extend the benefit of Government Order in G.O.Ms. No.
565 of 2008 dated 26.09.2008 to the petitioner.

For Petitioner :: Mr.R.Karthikeyan
For Respondents:: Mr.A.L. Somayaji,
Advocate General assisted by
Mr.RM.Muthukumar,
Govt. Advocate

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to dispose of the representation dated 24.07.2015 and further direct the respondents to extend the benefit of Government Order in G.O.Ms. No. 565 of 2008 dated 26.09.2008 to the petitioner.

2. The petitioner contends that he is the absolute owner of the property bearing S.No. 194/1B and new Survey no. 194/1B1B measuring an extent of 2.20 Are i.e, 2405 sq.ft in Mathur Village, Madhavaram Taluk, Tiruvallur District, having purchased the same by a registered sale deed dated 23.02.1997. The revenue records got mutated in the name of the petitioner. Thereafter, the petitioner came to know that the in respect of the aforesaid land, proceedings had been initiated under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 and an award had also been passed. But, according to the petitioner, he was not aware of such land ceiling proceedings while purchasing the property. Since, according to the petitioner, the original documents of the property in question were obtained by the respondents, he made several representations to the 4th respondent to return the original documents pertaining to the land purchased by him and reconvey the land to him, based on G.O.Ms. No. 649 of 1998 Revenue Department dated 29.07.1998 whereby a scheme was introduced to regularise and re-convey the land to the innocent purchasers. However, there was no response. While so, another Government Order was issued in G.O. No. 565 Revenue Department dated 26.09.2008 partially modifying G.O.Ms.No. 649 dated 29.07.1998 for regularisation of the purchase of the land under the Innocent buyers category. The petitioner, a third party purchaser, finally, gave a representation on 24.07.2015 to the 4th respondent to grant the benefit under G.O.Ms. No. 565 dated 29.09.2008. No orders were passed on the said representation. Hence, the petitioner is before this Court.

3. Heard Mr.R. Karthikeyan, learned counsel for the petitioner and Mr.A.L.Somayaji, learned Advocate General for the respondents.

4. A counter affidavit has been filed by the 4th respondent wherein at paragraph Nos.3 & 4, it has been stated that the property in question was not proceeded with, under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, but, it was acquired under the Land Acquisition Act and the award was also passed as early as on 26.09.1994. Therefore, it is submitted that there are no proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978.

5. Now, it is brought to the notice of this Court by the learned counsel for the petitioner that the 4th respondent, with regard to the representation dated 24.07.2015 submitted by the petitioner, has passed an order dated 14.08.2015 advising the

petitioner to approach the Special Tahsildar, Town Survey, Madhavaram, to obtain patta in respect of the land in question. Since the petitioner's representation has been disposed of, it is open to the petitioner to work out his remedy as per law. The writ petition is disposed of accordingly. No costs. Connected M.P. is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nv
To

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
2. The District Collector,
Tiruvallur District,
Tiruvallur - 632 101.
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Chennai.

+1cc to the Government Pleader, S.R.No.50576

AK(CO)
EU(05/10/2015)

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