

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18152 of 2014
and M.P.No.1 of 2014

C.Balasubramaniam

... Petitioner

Versus

1 The Secretary to Government
Revenue Department Government of Tamil Nadu
Secretariat Chennai-9.

2 The Commissioner
Urban Land Tax Government of Tamil Nadu
Ezhilagam Chennai.

3 The Assistant Commissioner
(ULT) Erode Erode District.

4 The Tahsildar
Salem Salem District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1st respondent to consider the petitioner representation dated 10.4.2013 followed by a Legal Notice dated 2.4.2014 regarding issuance of Patta to the petitioner in respect of his properties having an extent of 1527.87 sq.mts comprised in Survey Number in T.S. No.2/3A and 2/1A1 of Block No.16 in Salem Town which was later subdivided as T.S.Nos.2/38 with an extent of 1250.10 sq.mts and T.S.No.3/1A1A of 277.77 sq.mts (1250.10 + 277.77 =1527.87 sq.mts) and effect appropriate mutation in the revenue records within a reasonable period in the light of the judgment dated 2.8.2013 passed in CC No.13439/ 2013 on the file of the Honourable Supreme Court.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.R.Vijayakumar
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 is the absolute owner of the property admeasuring to an extent of 1527.87 sq.mts., comprised in Survey Number in T.S. No.2/3A and 2/1A1 of Block No.16 in Salem Town which was later subdivided as T.S.Nos.2/38 with an extent of 1250.10 sq.mts and T.S.No.3/1A1A of 277.77 sq.mts (1250.10 + 277.77 =1527.87 sq.mts).

3. The authorities constituted under the Tamilnadu Urban Land (Ceiling & Regulations) Act, had instituted proceedings stating that the above said lands are excess urban lands and notification was published and subsequently, the said Act was repealed. The petitioner challenging the Urban Land Ceiling proceedings filed W.P.No.14335 of 1986 and it was dismissed and challenging the same, the petitioner filed an appeal in W.A.No.680/1997 and it was allowed vide judgment dated 19.08.1997 and this Court, directed the Special Commissioner and Commissioner of Land Reforms to dispose of the appeal afresh on merits and in accordance with law. However, the said official has dismissed the appeal and the petitioner made a challenge to the said order by filing W.P.No.12987 of 2001. The petitioner in the said writ petition took a specific plea that since, the possession was not taken over by the Government by operation of Section 4 of the Tamilnadu Urban Land (Ceiling and Regulations) Repeal Act, 1999, the entire proceedings shall abate. The Division Bench has accepted the said plea and decided the writ petition in favour of the petitioner and the official respondents aggrieved by the same, preferred Special Leave Petition before the Hon'ble Supreme Court of India and it was dismissed on 02.08.2013.

4. Thereafter, the petitioner moved the jurisdictional Tahsildar for grant of patta and he vide proceedings dated 26.02.2013 has directed him to make a representation to the Government through the Commissioner, Urban Land Tax, Chennai, for effecting appropriate mutation in revenue records and in compliance of the same, the petitioner has also submitted a representation dated 10.04.2013 to the respondents, which was also followed by a legal notice dated 02.04.2014 and inspite of the receipt of the same, no orders came to be passed and hence, filed this writ petition.

5. Mr.R.Neelakandan, learned counsel appearing for the petitioner would submit that in the light of the order dated 23.10.2009 made in W.P.No.12987 of 2001, the petitioner is entitled to patta and though, representation as well as legal notice have been sent, no response is forth coming and hence, the petitioner who is aged 82 years is constrained to approach this Court by filing this writ petition.

6. Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents would submit that since the office of the 3rd respondent has been wound up, the jurisdiction is now authorised to the Revenue Divisional Officer, Salem and the petitioner may be directed to submit one more application to the Revenue Divisional Officer, Salem.

7. This Court, in the above facts and circumstances, permits the petitioner to submit a fresh representation to the Revenue Divisional Officer, Salem, within a period of two weeks from the date of receipt of a copy of this order and the said officer, on receipt of the said representation is directed to consider the same in accordance with law, within a period of six weeks, thereafter and communicate the decision taken to the petitioner.

8. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary to Government
Revenue Department Government of Tamil Nadu
Secretariat Chennai-9.
- 2 The Commissioner
Urban Land Tax Government of Tamil Nadu
Ezhilagam Chennai.
- 3 The Assistant Commissioner
(ULT) Erode Erode District.
- 4 The Tahsildar
Salem Salem District.

5. The Revenue Divisional Officer
Salem

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