

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6936 of 2013

1.S.Vasanthi Sundaram
2.V.Sundaram

...Petitioners

Vs.

1. The Special Commissioner and Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.
2. The Assistant Commissioner,
Urban Land Ceiling (T-Nagar),
No.345, Arcot Road,
Kodambakkam, Chennai - 24.
3. The Tahsildar,
Mylapore - Triplicane Taluk,
Chennai - 28.

...Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to grant patta to the petitioners land comprised in Survey No.6/2B, T.S.No.15, Plot No.9, 4th Main Road, Kasturibai Nagar, Adyar, Chennai - 20 to an extent of 1375 Sq.ft. without insisting for any No Objection Certificate from the 1st respondent.

For Petitioner : Mr.S.Sathish Rajan

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

Heard Mr.S.Sathish Rajan, learned counsel appearing for the petitioners and Ms.P.Rajalakshmi, learned Government Advocate appearing for the respondents.

2.The petitioners seek for issuance of Writ of Mandamus to direct the third respondent to grant patta for the petitioners land in Survey No.6/2B, T.S.No.15, Plot No.9, 4th Main Road, Kasturibai Nagar, Adyar, Chennai to an extent of 1375 Sq.ft. without insisting for No Objection Certificate.

3.The land in question was declared as the surplus land covered under the urban land ceiling. The said proceedings was challenged in W.P.No.6456 of 2002. The said writ petition was heard by the Hon'ble Division Bench of this Court and by order dated 07.08.2009 the Hon'ble Division Bench of this Court quashed the proceedings and held that the proceedings initiated under the Act have abated in view of Section 4 of the Repealing Act 20 of 1999 of Urban Land Ceiling Act. Thereafter, the petitioner requested for grant of Patta by submitting a representation on 16.04.2012. Since the same was not considered, the petitioner filed writ petition in W.P.No.27062 of 2012 and the said writ petition was withdrawn since a representation was made stating that the respondent Department has preferred a Special Leave Petition against the order passed by the Hon'ble Division Bench of this Court dated 07.08.2009 in W.P.No.6456 of 2002.

4.The learned counsel appearing for the petitioners produced before this Court copy of the order passed by the Hon'ble Supreme Court in Petition for Special Leave to Appeal (Civil) No.25632 of 2013 dated 25.04.2014 which was filed against the order passed by the Hon'ble Division Bench of this Court dated 07.08.2009 in W.P.No.6456 of 2002. The Hon'ble Supreme Court dismissed the SLP both on the ground of delay and merits. Thus the petitioner is entitled to the benefit of the decision of the Hon'ble Division Bench of this Court dated 07.08.2009 made in W.P.No.6456 of 2002 and in the light of the order passed by the Hon'ble Supreme Court confirming the said order. Hence, the respondent cannot insist upon the No Objection Certificate from the second respondent.

5.Accordingly, there will be a direction to the third respondent to consider the petitioner's application for grant of patta based on the documents produced by the petitioner without insisting any no objection certificate from the first and second respondents and pass appropriate 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.

6.This writ petition is disposed of with the above observation.
No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Commissioner and Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.
2. The Assistant Commissioner,
Urban Land Ceiling (T-Nagar),
No.345, Arcot Road,
Kodambakkam, Chennai - 24.
3. The Tahsildar,
Mylapore - Triplicane Taluk,
Chennai - 28.

1 CC to Mr.S.Sathish Rajan, Advocate SR.No. 9522

W.P.No.6936 of 2013

RSK (CO)
PSI (03.03.2015)

सत्यमेव जयते

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