

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.3403 to 3406 and 3421 to 3426/2015

Mrs.J.Radha	..	Petitioner in WP.No.3403/2015
K.Raghukannan	..	Petitioner in WP.No.3404/2015
K.Jayaprakash	..	Petitioner in WP.No.3405/2015
Kasthuri	..	Petitioner in WP.No.3406/2015
Mrs.I.Sagaya Mary	..	Petitioner in WP.No.3421/2015
Mrs.Visalakshi	..	Petitioner in WP.No.3422/2015
Mrs.Mangala Gowri	..	Petitioner in WP.No.3423/2015
Mrs.M.Fathima Mary	..	Petitioner in WP.No.3424/2015
Mrs.R.Christine Jona	..	Petitioner in WP.No.3425/2015
M.Shanmugam	..	Petitioner in WP.No.3426/2015

WEB COPY
Versus

1.The Assistant Commissioner of
Urban Land Ceiling [Salem]
O/o.The Asst. Commissioner of
Urban Land Ceiling, Near Fire
Service Station, Erode.

2.The Tahsildar
Salem Taluk, Salem.

.. Respondents
in all the writ petitions

Prayer in WP.No.3403/2015:- 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 petitioner's name as Pattathar of the property, viz., having an extent of 1447 $\frac{3}{4}$ sqft [134.50 sq.mts] comprised in S.No.139/1A, Periapudur Village, Salem Taluk and District, as per schedule in Sale deed dated 05.09.2013, registered as Document No.5699/2014 on the file of the SRO, Suramangalam, Salem and to issue patta in his name, by considering the petitioner's request made on 20.08.2014 followed by reminder on 22.10.2014 within a reasonable time to be fixed by this Court.

Prayer in WP.No.3404/2015:- 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 petitioner's name as Pattathar of the property, viz., punja land having 89 $\frac{1}{2}$ cents in S.No.139/1A, as per schedule mentioned as Item 1 in the said Settlement Deed in addition to that equal share with other co-sharer in 0.01 cents in S.No.139/1A as per schedule mentioned as item 2 in the said deed along with $\frac{1}{4}$ th share in the well having an extent of 5 cents as per schedule mentioned as item 3 in the said deed and 790 sqft land as per schedule mentioned as item 4 in the said deed situated in Alagapura Pudur Village and to issue patta in his name by considering the petitioner's request made on 20.08.2014 followed by reminder on 22.10.2014 within a reasonable time to be fixed by this Court.

Prayer in WP.No.3405/2015:- 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 petitioner's name as Pattathar of the property, viz., punja land having 26 $\frac{1}{2}$ cents in S.No.139/1A as per schedule mentioned as item 2 in the settlement deed dated 16.12.2009 registered as Document No.7478/2009 on the file of SRO, Suramangalam, Salem, in addition to that equal share with other co-sharer in 0.01 cents in S.No.139/1A as per schedule mentioned as item 3 in the said deed along with 300 sqft land and $\frac{1}{4}$ th share in the well i.e., 545 sq.ft [totally 845 sqft.] as per schedule mentioned as item 4 in the said deed, situated in Alagapuram Pudur village and to issue patta in his name, by considering the petitioner's request made on 20.08.2014 followed by reminder on 22.10.2014 within a reasonable time to be fixed by this Court.

Prayer in WP.No.3406/2015:- 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 petitioner's name as Pattathar of the property, viz., having an extent of 504 sqft comprised in S.No.139/1A, Periapudur Village, Salem Taluk and District, as per Settlement deed dated 15.02.2007, registered as Document No.989/2007 on the file of the SRO, Suramangalam, Salem and to issue patta in her name, by considering the petitioner's request made on 20.08.2014 followed by reminder on 22.10.2014 within a reasonable time to be fixed by this Court.

Prayer in WP.No.3421/2015:- 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 petitioner's name as Pattathar of the property, viz., having an extent of 1560 sqft comprised in S.No.139/1, Periapudur Village, Salem Taluk and District, as per schedule in sale deed dated 11.02.2008, registered as Document No.1019/2008 on the file of the SRO, Suramangalam, Salem and to issue patta in her name, by considering the petitioner's request made on 20.08.2014 followed by reminder on 22.10.2014 within a reasonable time to be fixed by this Court.

Prayer in WP.No.3422/2015:- 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 petitioner's name as Pattathar of the property, viz., having an extent of 2600 sqft comprised in S.No.139/1, Periapudur Village, Salem Taluk and District, as per schedule in sale deed dated 05.02.1982, registered as Document No.473/1982 on the file of the SRO, Suramangalam, Salem and to issue patta in her name, by considering the petitioner's request made on 20.08.2014 followed by reminder on 22.10.2014 within a reasonable time to be fixed by this Court.

Prayer in WP.No.3421/2015:- 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 petitioner's name as Pattathar of the property, viz., having an extent of 1635 1/2 sqft comprised in S.No.139/1 of No.54, Alagapuram Pudur Village within the Sub Registration District of Suramangalam and within the taluk and Registration District of Salem and to issue patta in her name, by considering the petitioner's request made on 20.08.2014 followed by reminder on 22.10.2014 within a reasonable time to be fixed by this Court.

Prayer in WP.No.3424/2015:- 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 petitioner's name as Pattathar of the property, viz., having an extent of 1620 sqft comprised in S.No.139/1, Periapudur Village, Salem Taluk and District, as per schedule in sale deed dated 11.02.2008, registered as Document No.1018/2008 on the file of the SRO, Suramangalam, Salem and to issue patta in her name, by considering the petitioner's request made on 20.08.2014 followed by reminder on 22.10.2014 within a reasonable time to be fixed by this Court.

Prayer in WP.No.3425/2015:- 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 petitioner's name as Pattathar of the property, viz., having an extent of 1620 sqft comprised in S.No.139/1, Periapudur Village, Salem Taluk and District, as per schedule in sale deed dated 11.02.2008, registered as Document No.1017/2008 on the file of the SRO, Suramangalam, Salem and to issue patta in her name, by considering the petitioner's request made on 20.08.2014 followed by reminder on 22.10.2014 within a reasonable time to be fixed by this Court.

Prayer in WP.No.3426/2015:- 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 petitioner's name as Pattathar of the property, viz., having an extent of 1800 sqft comprised in S.No.139/1, Periapudur Village, Salem Taluk and District, as per schedule in sale deed dated 04.02.2008, registered as Document No.789 & 790/2008 on the file of the SRO, Suramangalam, Salem and to issue patta in his name, by considering the petitioner's request made on 20.08.2014 followed by reminder on 22.10.2014 within a reasonable time to be fixed by this Court.

For Petitioners in all
the writ petitions : Mr.R.Neelakandan

For Respondents in
all the writ petitions : Mr.V.Jayaprakash
Narayanan, Spl.GP

COMMON ORDER

Heard Mr.R.Neelakandan, learned counsel for the petitioners and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself. Since the issue involved in the above writ petitions is one and the same, the writ petitions are disposed of by the following common order.

2.The petitioners seek for issuance of a writ of mandamus to direct the respondents to carry out necessary mutation in the village records by entering the petitioners names as Pattadhars of the properties in question by considering the petitioners' request made on 20.08.2014 followed by reminder on 22.10.2014 within a stipulated time.

3.The facts which are necessary for the disposal of the above writ petitions are as follows:-

[a]The petitioner in WP.No.3403/2015 is the daughter-in-law of one R.Kumarasamy and the petitioners in WP.No.3404 and 3405/2015 are the sons of the said Kumarasamy. The petitioner in WP.No.3406/2015 is the granddaughter of one Janaki Ammal who purchased a portion of Kumarasamy's property from one Arul Ruban to whom Kumarasamy had earlier sold that portion of land. The petitioners in WP.Nos.3421 to 3426/2015 are the subsequent purchasers of the properties in question.

[b]The said Kumarasamy, the erstwhile owner of the properties in question, was in continuous possession and enjoyment of the properties for a long time. Since the said lands had been taken under the Tamil Nadu Urban Land [Ceiling and Regulation] Act, 1978, without any notice, the said Kumarasamy filed writ petitions before this Court in WP.Nos.15536/1995 and 2488/1996 challenging the proceedings initiated under the said Act. Subsequently, the Act was repealed by the Tamil Nadu Urban Land [Ceiling and Regulation] Repeal Act, 1999 [Tamil Nadu Act XX of 1999], by which Act, the authorities are not permitted to pursue the proceedings initiated under the earlier Act. This Court vide order dated 19.06.2002, while observing that the authorities are not permitted to proceed further, has ordered the writ petitions filed by Kumarasamy and hence, his ownership has been restored.

[c]It is the further case of the petitioners that since earlier the lands were originally taken under the Tamil Nadu Urban Land [Ceiling and Regulation] Act, 1978, the revenue authorities have made entries in the village records regarding the nature of

the lands as Government lands. Subsequent to the allowing of the writ petitions by this Court vide order dated 19.06.2002, the petitioners made requests to the revenue authorities to restore their ownerships and make necessary changes in the revenue records. Despite production of the order of this Court, no effective changes have been made in the relevant records.

[d]It is the case of the petitioners that in view of the inaction on the part of the revenue authorities in restoring their ownerships, they filed a writ petition before this Court in WP.No.31856/2006 seeking the aforesaid prayer by considering their representation dated 25.06.2005 followed by a reminder dated 20.07.2006. This Court, by order dated 08.09.2006 had directed the respondent therein to consider and dispose of the representation of the petitioner dated 25.06.2005 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of that order, if there is no other legal impediment. This Court also made it clear that the Court has not recorded any finding with regard to the entitlement of the petitioners in their representation.

[e]Despite sending repeated representations along with the orders of this Court to the respondents to effect necessary mutation in the revenue records and to enter the petitioners' names as Pattadhars, no steps have been taken by the respondents and they have not complied with the orders of this Court made on 19.06.2002 and on 08.09.2006. Subsequently, when the petitioners made a representation on 20.08.2014 to the 2nd respondent, once again seeking the aforesaid prayer, in person, along with similarly placed persons, they were informed that unless the 1st respondent clears for issuance of patta, the same would not be granted and that the lands are the subject matter of the Urban Land Ceiling Act and that the respondents have to verify whether the order of this Court reached finality. Since no progress has been made out in the case, the petitioners have also sent a reminder to the 2nd respondent narrating all the facts on 22.10.2014. Till date, no action has been taken on the said representations and reminders. Hence, the petitioners are before this Court.

4. In view of the fact that the lands in question were ordered to be restored to the possession of the original owners, by this Court vide order dated 19.06.2002, in view of the repealing of the Tamil Nadu Urban Land [Ceiling and Regulation] Act. 1978 by the Government, there will be a direction to the respondents to consider the petitioners representations and reminders dated 20.08.2014 and 22.10.2014 and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

5.The writ petitions are disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To

1.The Assistant Commissioner of
Urban Land Ceiling [Salem]
O/o.The Asst. Commissioner of
Urban Land Ceiling, Near Fire
Service Station, Erode.

2.The Tahsildar
Salem Taluk, Salem.

2 ccs to the Government Pleader, Sr. 7420

10 ccs to mr.R. Neelakandan, Advocate, sr. 7480, 7479

WP.No.3403 to 3406
& 3421 to 3426/2015

TS (CO)
kk 21/2

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