

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.34637 of 2015

K.Balasundaram

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Petitioner

- Vs -

1.The State of Tamil Nadu
rep.by its Secretary to Government,
Revenue (ULC) Dept.,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax,
Ezhilagam, Ground Floor,
Chepauk, Chennai - 600 005.

3.The Special Tahsildar,
Urban Land Ceiling & Urban Land Tax,
Poonamallee Taluk,
Poonamallee.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the first respondent to pass appropriate orders on the proposal submitted by the second respondent on requisition of the petitioner dated 29.07.2015 for regularisation of the lands as per G.O. (Ms.) No.565 Revenue Department dated 26.09.2008 for the lands contained in Survey No.36 in Chettiar Agaram Village, Saidapet Taluk, bearing Plot Nos.9, 10 & 11, measuring 4361 sq.ft. comprised in Murthy Nagar Layout as approved by the CMDA in PPB/LO No.61/86.

For Petitioner

: Mr.G.Thilakavathi

For Respondents

: Mr.V.Jayaprakash Narayanan
Special Govt. Pleader.

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner has purchased the property comprised in Survey No.36 in Chettiar Agaram Village, Saidapet Taluk, bearing Plot Nos.9, 10 & 11, measuring 4361 sq.ft. comprised in Murthy Nagar Layout as approved by the CMDA in PPB/LO No.61/86 under their letter No.D2(L) 14932 dt.11.08.1996 and sanctioned by Commissioner, Panchayat Union, Villivakkam. Construction of Plot No.11 was completed whereas in so far as Plot Nos.9 & 10 are concerned, permission are yet to be granted. Patta for the entire extent of plots were already granted to the predecessor in title.

3. When the petitioner applied for sub-division and transfer of patta, the respondent withheld the application stating that the land was covered by Land Ceiling Proceedings and regularisation of land has to be obtained by the petitioner under the Government Order in this regard. Therefore, the petitioner applied for regularisation as per G.O.(Ms.) No.565 dated 26.09.2008. In this regard, enquiry was conducted on 23.09.2015 and only the first respondent has to pass orders on the proposals for regularisation forwarded by the second respondent to the first respondent. Since no order has been passed, the petitioner has come before this court.

4. Heard Mrs.G.Thilakavathi, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned counsel appearing for the respondents.

5. When the land ceiling proceedings are in force, if any alienation has been effected and any innocent third parties purchased the property, the Government has got powers under G.O. (Ms.) No.565 dated 26.09.2008 for regularisation. In this case also, the petitioner applied for regularisation and the second respondent has also forwarded the proposal dated 29.07.2015 of the petitioner for regularisation by the first respondent. Therefore, the first respondent is directed to pass appropriate orders on the proposal sent by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

rgr

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Revenue (ULC) Dept.,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax,
Ezhilagam, Ground Floor,
Chepauk, Chennai - 600 005.

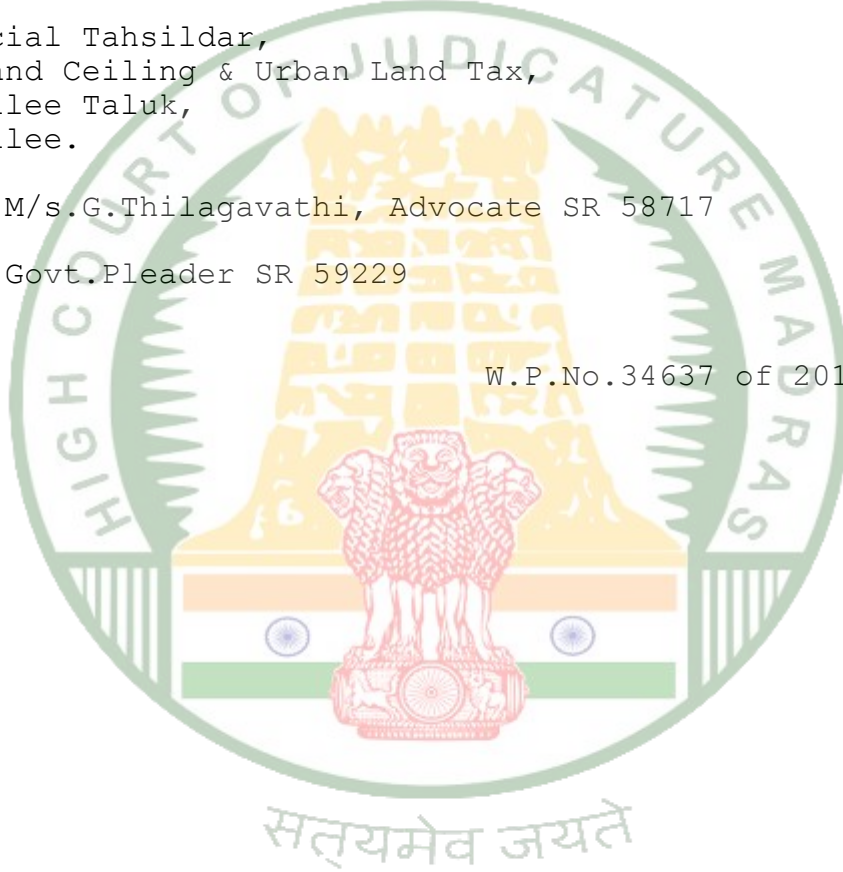
3.The Special Tahsildar,
Urban Land Ceiling & Urban Land Tax,
Poonamallee Taluk,
Poonamallee.

+ 1 cc to M/s.G.Thilagavathi, Advocate SR 58717

+ 1 cc to Govt.Pleader SR 59229

(co)
prk20/11

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