

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.31891 of 2012

N.Devarajan

... Petitioner

vs.

1. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur, Kancheepuram District

2. The Assistant Commissioner (ULT)
No.163, Karuneegar Street,
Adambakkam, Chennai - 600 088

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorafied Mandamus to call for the records of the 1st respondent in Na.Ka.Aa3/4263/2008 dated 01.07.2011 and quash the same and direct the 1st respondent to incorporate the name of the petitioner in all the revenue records pertaining to the land comprised in Survey no.265/2B, measuring an extent of 55 cents in Kottivakam Village, Tambaram Taluk, Kancheepuram District.

For Petitioner : Mr.B.Vijay

For Respondents : Mr.R.Vijaykumar

Additional Government Pleader

ORDER

Heard Mr.B.Vijay, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this Writ Petition challenging the order dated 01.07.2011 by which the request made by the petitioner to grant patta has been rejected primarily on the ground that no report has been received by the Tahsildar from the Assistant Commissioner, Urban Land Taxes, Chennai.

3. The lands owned by the petitioner were the subject matter of proceedings under the Tamilnadu Urban Land Ceiling and Regulation Act and certain extent of land were declared as "Surplus". The petitioner has filed a Writ Petition No.36541 of 2002, challenging

the proceedings of the Commissioner and Director of Urban Land Ceiling dated 04.10.2001 and sought for a direction to restore the land in favour of the petitioner. This Court by following the earlier decisions of this Court in the case of Allind Metal Fabricators Pvt., Ltd., vs. The Secretary to Government, Revenue Department, Government of Tamilnadu, Madras reported in 2002 (2) CTC 716 allowed the writ petition as prayed for. Thereafter, the petitioner submitted the application for grant of patta. Since the order passed in the earlier Writ Petition dated 27.02.2004 was not complied with, the petitioner filed a contempt petition before this Court in Cont.P.No.562 of 2010. When the Contempt petition was heard, the respondents served the impugned order passed by the respondent and consequently the contempt petition was closed.

4. In my view, as long as the order dated 27.02.2004 in W.P.No.36541 of 2002 is not either varied, modified or set aside, the 1st respondent is bound to consider the petitioner's request for grant of patta. It is always open to the 1st respondent to call for a report from the concerned authorities, but, that cannot be a reason for rejecting the petitioner's application. The only reason assigned in the impugned order is that till date no communication has been received by the 2nd respondent and that cannot be a ground to reject the petitioner's application for grant of patta.

5. Since already the order passed by the Urban Land Ceiling Authority has been quashed by this Court, in the light of the same, this Writ Petition is allowed and the impugned order is quashed and the matter is remanded to the 1st respondent for fresh consideration and the 1st respondent is directed to consider the petitioner's application for grant of patta within a period of six weeks from the date of receipt of copy of this order.

6. It is submitted by the learned counsel for the petitioner that in this writ petition due to typographical error, the extent has been wrongly mentioned as 55 cents and it is only 27 cents. This aspect shall also be taken note of by the 1st respondent while complying the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

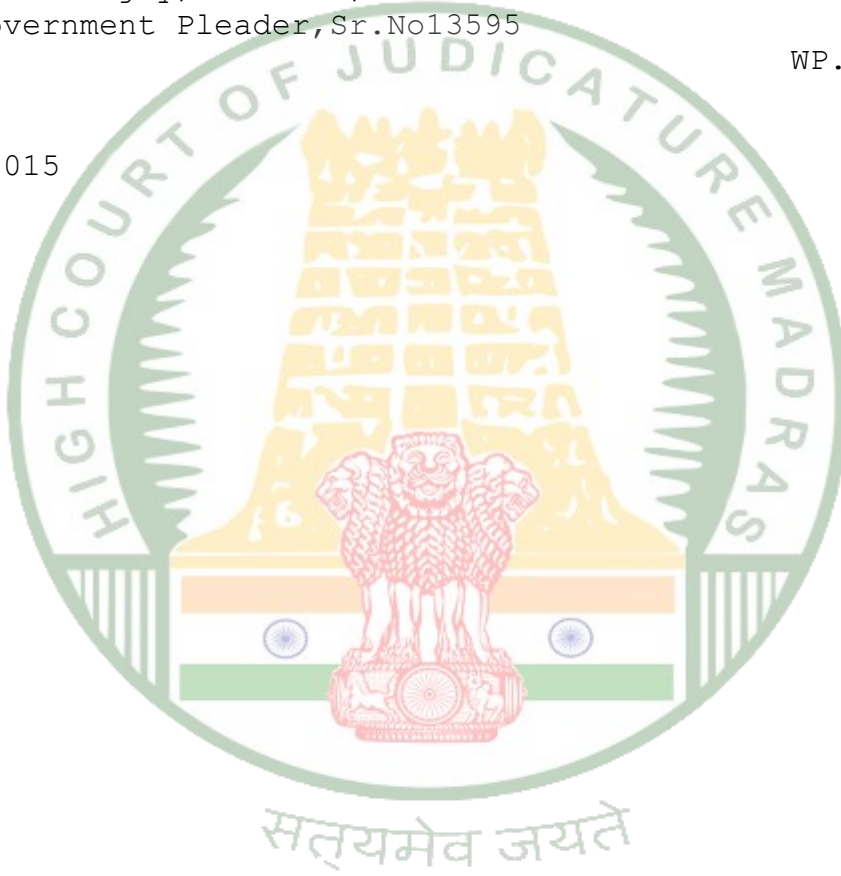
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1 cc to Mr. B.Vijay, Advocate, SR.No.13431
1 cc to Government Pleader, Sr.No13595

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