

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.32267 of 2013

Smt. L.Gunamary

... Petitioner

Vs.

1. The Assistant Commissioner/
Competent Authority
Urban Land Ceiling (Alandur Zone)
No.163, Karuneegar Street
Adambakkam, Chennai - 600 0088

2. The Tahsildar,
Tahsildhar Office
Sholinganallur Taluk
Chennai -600 119

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd Respondent to incorporate the name of the petitioner herein as owner in respect of land measuring 2400 sq.ft. bearing plot No.18 comprised in Survey No.218/3 of Medawakkam village, Sholinganallur Taluk Kancheepuram District as per the petitioner representation dated 11.12.2012 13.03.2013 and 23.08.2013 in all the government records like survey land extract patta chitta and adangal extract.

For Petitioner : Mr.T.Thiyagarajan
For Respondent : Mr.P.Rajalakshmi
Government Advocate

O R D E R

Heard Mr. T.Thiyagarajan, learned counsel appearing for the petitioner, Mr.P.Rajalakshmi, learned Government Advocate appearing for the respondents and perused the materials available on record.

2. The petitioner seeks for a direction upon the 2nd Respondent to incorporate the name of the petitioner herein as owner in respect of land measuring 2400 sq.ft. bearing plot No.18 comprised in Survey No.218/3 of Medawakkam village, Sholinganallur Taluk Kancheepuram District as per the petitioner representation dated 11.12.2012 13.03.2013 and 23.08.2013 in all the government records like survey land extract patta chitta and adangal extract.

3. When the matter is taken up for consideration, it is brought to the notice of this Court that in identical circumstances, this Court, by order dated 17.3.2015 in WP.No.6969 of 2015 has disposed of the matter. It is useful to extract paragraphs 3 and 4 of the said order, which reads thus:-

3. The plots in question were purchased by the petitioners from a promoter. It appears that the lands in question were declared as surplus in the hands of the original land owners under the provision of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. The petitioners having purchased the property, challenged the said proceedings by contending that they are in actual physical possession of the properties and in the light of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999, all proceedings initiated under the Parent Act stood abated. The writ petition filed by the petitioners/purchasers in Writ Petition No.20398 of 1993 was allowed. Aggrieved by the same, the State as well as the Urban Land Tax and Ceiling Authority preferred appeal before the Division Bench of this Court in W.A.No.1975 of 2010. The said appeal was heard along with a batch of cases and the First Bench of this Court, by judgment dated 23.7.2012, dismissed the appeals. The Special Leave Petition filed by the State as against the dismissal of the Writ Appeal No.1975 of 2010 was dismissed at the condone delay stage in SLP. (C) ... CC.No.9001 of 2013, vide order dated 08.7.2013. Thus, the petitioners' possession and enjoyment of the property has been held to be valid, as the entire legal proceedings ended in favour of the petitioners.

4. In the light of the above, there will be a direction to the 5th respondent to consider the petitioners' representation dated 16.8.2013 taking note of the above facts and pass appropriate orders for grant of patta in favour of the Members of the petitioner Association, within a period of three months from the date of receipt of a copy of this order.

4. Accordingly, this writ petition is also disposed of on the above terms. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Assistant Commissioner/ Competent Authority
Urban Land Ceiling (Alandur Zone)
No.163, Karuneegar Street
Adambakkam, Chennai - 600 0088
2. The Tahsildar,
Tahsildhar Office
Sholinganallur Taluk
Chennai -600 119

+1 cc to Mr.T.Thiagarajan, Advocate,SR.15088

+1 cc to Government Pleader,SR.15166.

sr(co)
krd 27/3

W.P. No.32267 of 2013

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