

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.3.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP. No.6969 of 2015
and MP.No.1 of 2015

1 C.D.N.Nagar Land Owners'
Association Rep. by its Secretary
Mr.S. Vellaisamy No.5, 6th Street,
CDN Nagar, Nerkundram Chennai-107. .. Petitioner

Vs

1 The Government of Tamil Nadu
Rep. by its Secretary to Government Land
Revenue Department Fort St. George
Chennai- 9.

2 The Commissioner and Secretary
Land Reforms Chepauk Chennai-5.

3 The Competent Authority
Urban land Ceiling Poonamallee Chennai.

4 The Tahsildar
Ambattur, Chennai-55.

5 The Tahsildar
Maduravoyal, Chennai-116. .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to issue necessary direction to the 5th respondent to issue necessary pattas to the members of petitioner's Association in respect of their respective plots by considering the representation of the petitioner dated 16.8.2013.

For Petitioner : Mr.P.P.Shanmugasundaram
For Respondent : Mr.S.Gunasekaran

O R D E R

Heard Mr.P.P.Shanmugasundaram, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents and perused the materials placed on record.

2. The petitioner has filed this writ petition praying for issuance of a writ of mandamus to direct the first respondent to issue necessary directions to the 5th respondent for grant of patta in favour of the Members of the Petitioners' Association in respect of plots owned by them by considering their representation dated 16.8.2013.

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.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government Land
Revenue Department Fort St. George
Chennai- 9.

2 The Commissioner and Secretary
Land Reforms Chepauk Chennai-5.

3 The Competent Authority
Urban land Ceiling Poonamallee Chennai.

4 The Tahsildar
Ambattur, Chennai-55.

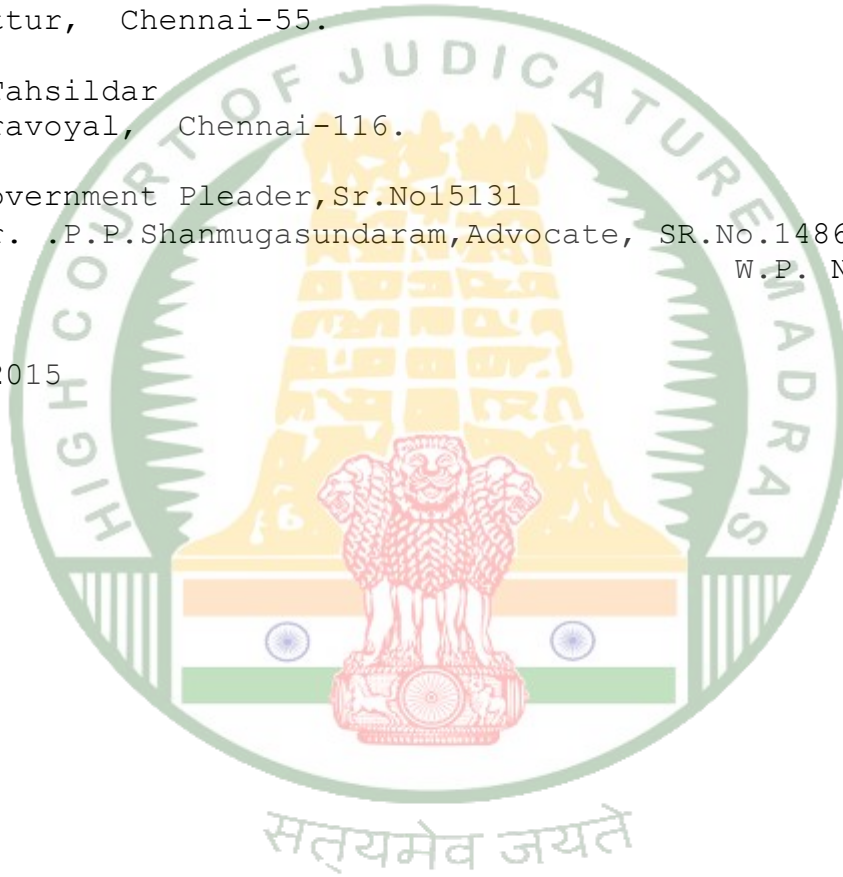
5 The Tahsildar
Maduravoyal, Chennai-116.

1 cc to Government Pleader, Sr.No15131

1 cc to Mr. .P.P.Shanmugasundaram, Advocate, SR.No.14869

W.P. No.6969 of 2015

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