IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7022/2015

Mohana Jayaraj .. Petitioner

Versus

1.The Secretary to Government
State of Tamil Nadu
Revenue Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Tahsildar
Ambattur, Chennai, Tamil Nadu. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to effect necessary changes in the revenue records in respect of the petitioner's land admeasuring 34 cents out of an extent of 2 acres and 4 cents in survey No.151 at Koladi village, Saidapet Taluk, Chengalpattu District to reflect the ownership and title of the petitioner and to issue copies of such changed records to the petitioner within the time to be fixed by this Court.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.GP

ORDER

Heard Mr.Rahul Balaji, learned counsel appearing for the petitioner ; and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner is seeking for a direction to the the respondents to effect necessary changes in the revenue records in respect of the petitioner's land admeasuring 34 cents out of an extent of 2 acres and 4 cents in survey No.151 at Koladi village, Saidapet Taluk, Chengalpattu District to reflect the ownership and title of the petitioner and to issue copies of such changed records to the petitioner within the time to be fixed by this Court.

3.According to the petitioner, the lands which are the subject matter of this writ petition were declared as surplus in the hands of the petitioner under the provisions of the Tamil Nadu Urban Land [Ceiling and Regulation] Act. The petitioner challenged the same by filing a writ petition in WP.No.21138/2003, to declare the said proceedings as having become abated in the light of the Tamil Nadu Urban Land [Ceiling and Regulation] Repeal Act, 1999 and for a consequential direction to enable the petitioner to deal with the land as she deems fit. The said writ petition along with the connected matter in WP.No.21139/2003 was allowed by this Court by a common order dated 06.10.2009. The operative portion of the order reads thus:-

> "3.According to the respondents, the land of an extent of 13,750 sq.mts in Kolladi village of Ambattur Taluk, Tiruvallur District stood in the name of one Rosy Udayar, as on 03.08.1976. Proceedings were initiated against him and a statement under section 9[1] of the Tamil Nadu Urban Land [Ceiling and Regulation] Act, was issued on 31.08.1995. According to the respondents, orders were passed on 15.11.1995 and a final notice was issued on 29.12.1995. The notification u/s.11[1] was published on 26.06.1996 and the notice u/s.11[5] was issued on 20.06.1997. According to the respondents, possession was taken on 05.12.1997. Since possession was taken before cut off date, it is the contention of the respondents that the petitioners are not entitled to the benefits of the Repealing Act.
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> 4.However, it is seen from the Encumbrance Certificate that Rosy Udayar himself purchased the lands only on 31.01.1982. Out of the lands so purchased, he sold an extent of 136 cents to Pallavan Transport Corporation Cooperative House construction Society Limited, under two Sale Deeds dated 29.03.1989 and 30.03.1989. An extent of 34 cents was sold to the petitioner in one writ petition and another extent of 34 cents sold to the petitioner in the other writ petition, by Rosy Udayar by two separate Sale Deeds dated 03.04.1989 and pattas were also issued on 06.06.1990.
>
> 5.However, the notice u/s.7[2] issued only on 04.09.1992 was admittedly issued to Rosy Udayar and

> not to the petitioners. All subsequent proceedings have been taken only as against Rosy Udayar or Pallavan Transport Corporation Cooperative House Construction Society, despite the petitioners having been issued with pattas in the year 1990 itself.
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> 6.In paragraph 2 of the counter affidavit, the respondents have admitted that the notice under section 11[5] demanding possession was served only on the Pallavan Transport Corporation Cooperative House Construction Society on 15.07.1997 and possession was taken on 05.12.1997. This admission on the part of the respondents confirms the fact that possession of the property of the petitioners in these writ petitions was not taken from these petitioners. The possession taken from the Pallavan Transport Corporation Cooperative House Construction Society cannot be of the lands belonging to the petitioners, since that Society owned a different extent of 136 cents.
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> 7.Thus on admitted facts, it is clear that actual physical possession could not have been taken from the petitioners. Hence, the petitioners are entitled to the benefit of section 4 of the Repealing Act. Consequently, both the writ petitions are allowed. No costs. The connected miscellaneous petitions are closed."

4.The petitioner would state that the patta which was issued in favour of the petitioner bearing No.536 in respect of Survey No.151/1 continues to be in the name of the petitioner. However, in the "A" Register, the land has been shown as Government "Manavari". Therefore, the petitioner submitted representation to the authorities to effect appropriate corrections in "A" Register and other revenue records to enable the petitioner to deal with the property. It is seen that the petitioner has given the representation to the Secretary to the Government, Revenue Department on 25.10.2013 to effect necessary correction.

5.Learned counsel for the petitioner would submit that the petitioner was directed to approach the Government since the Government was the respondent in the earlier writ petition. It is to be noted that the revenue records have to be altered by the Revenue Officials and therefore, the petitioner has to make an application to the 2nd respondent to effect necessary corrections.

6.Accordingly, the writ petition is disposed of by directing the petitioner to submit a representation to the 2nd respondent along with a copy of this order, enclosing the copy of the patta and make a request for alteration in the "A" Register. The 2nd respondent, on receipt of such representation, shall conduct enquiry in the matter after issuing notice to the petitioner and examine as to whether the facts stated by the petitioner are correct and if the order passed in the writ petition has become final and no further appeal has been preferred, then the 2nd respondent is directed to effect necessary correction in the "A'" Register and in the revenue records by incorporating the name of the petitioner as pattadhar. The above direction shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To
1.The Secretary to Government
State of Tamil Nadu
Revenue Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Tahsildar
Ambattur, Chennai,Tamil Nadu.

1 cc to Government Pleader,Sr.No14210
1 cc to Mr.Satish Parasaran ,Advocate, SR.No.13998

WP.No.7022/2015

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pmk.24.3.2015