

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.2577 of 2013 &

M.P.No. 1 of 2013

T.Annamalai

.. Petitioner

v.

1.The Principal Secretary/
Commissioner of Land Reforms,
Chepauk, Madras - 600 005.

2.The Competent Authority,
Urban Land Ceiling, Alandur,
Assistant Commissioner, Urban Land Tax,
Kancheepuram District,
Having its office at No.163, Karuneegar Street,
Alandur, Chennai - 600 088.

3.The Tasildhar,
Sholinganallur Taluk,
Shollinganallur.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari mandamus, calling for the records of the respondents especially the order of the 2nd respondent dated 30/11/1985 vide Rc.No.4835/83 under Section 9(5), final statement dated 30/11/1982 vide SR.828/77 under Section 10(1) and Notice dated 30/06/1990 vide 4835/83A under Section 11(5) of the Tamil Nadu Urban Land (Ceiling & Regulation) Act 1978 in respect of excess vacant land in Survey No.92/2A1G2 measuring an extent of 2050 Sq.Mts. of Neelangarai Village, Sholinganallur Taluk and quash the same by treating the proceedings referred to above as abated under Section 4 of the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act (Act 20 of 1999) and direct the 3rd respondent herein to correct the entries in the revenue records by incorporating the name of the petitioner as owner of the land in the survey number referred to herein.

For Petitioner
For Respondent

: Mr.T.Thiyagarajan
: Mr.V.Subbiah,
Special Govt. Pleader

ORDER

2. The petitioner has filed the above writ petition to issue a Writ of Certiorari mandamus to call for the records of the second respondent dated 30.11.1985 under Section 9(5), final statement dated 30.11.1982 under Section 10(1) and notice dated 30.06.1990 under Section 11(5) of the Tamil Nadu Urban Land (Ceiling & Regulation) Act 1978 in respect of excess vacant land in Survey No.92/2A1G2 measuring an extent of 2050 Sq.Mts. of Neelangarai Village, Sholinganallur Taluk, to quash the same by treating the proceedings referred to above as abated under section 4 of the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act (Act 20 of 1999) and to direct the third respondent to correct the entries in the revenue records by incorporating the name of the petitioner as owner of the land in the said survey number.

3. It is the case of the petitioner that he purchased Plot Nos.4 and 5 at Blue Beach Road, Neelangarai comprised in New Survey No.92/2A1G/4 corresponding to Old Survey No.92/2A of Nellangarai Village measuring about 2695 sq. ft and 3090 sq.ft by a registered sale deed dated 2.9.2011. Similarly, he purchased Plot No.6 in New Survey No.92/2A1G/4 corresponding to Old Survey No.92/2A of Nellangarai Village measuring an extent of 2080 sq. ft by a registered sale deed dated 2.9.2011. After the purchase, the petitioner took possession of the properties from his vendors and approached the Tahsildar, viz., the third respondent herein, to incorporate his name as the owner based on the sale deeds in his favour. The third respondent informed him that patta cannot be granted in his favour as the lands have been acquired under the Tamil Nadu Urban Land (Ceiling & Regulation) Act 1978 and directed him to approach the second respondent. The petitioner approached the second respondent during December 2011 and he was informed that the land in Survey No.92/2A1G2 measuring about 2050 sq.mt. have been acquired under Act 24 of 1978 in the name of one P.K.Koshi and orders have been passed under section 9(5), section 10(1) and section 11(5) of the said Act. According to the petitioner, the land in question was an agricultural land and the agricultural lands are excluded from acquisition under Act 24 of 1978 and in this regard section 3(o) and 3(p) are in his favour.

4. Learned counsel appearing for the petitioner submitted that in similar circumstances a Division Bench of this court by order dated 07.8.2009 allowed the writ petition in W.P.No.14106 of 2002 and quashed the proceedings under the Tamil Nadu Urban Land (Ceiling & Regulation) Act. Against the order passed by the Division Bench of this court, the respondents preferred an appeal before the Hon'ble Supreme Court of India in Civil Appeal No.25632 of 2013, which was dismissed by the Hon'ble Supreme Court on 25.4.2014 .

5. The learned Special Government Pleader appearing for the respondents fairly submitted that the case on hand is covered by the order passed in W.P.No.14106 of 2002, which was confirmed by the Hon'ble Supreme Court of India in Civil Appeal No.25632 of 2013. The learned Special Government Pleader further submitted that the respondents are taking steps to file review application in W.P.No.14106 of 2002 before this court.

6. As already stated, the writ petition was allowed on 07.8.2009 and the Civil Appeal filed before the Hon'ble Supreme Court was dismissed on 25.4.2014. Therefore, as of today, the case on hand is covered by the orders passed by the Division Bench of this court in W.P.No.14106 of 2002, dated 07.8.2009 and the Civil Appeal No.25632 of 2013 passed by the Hon'ble Supreme Court of India on 25.4.2014.

7. In these circumstances, the impugned proceedings are liable to be quashed. Accordingly, the same are quashed. If the review application to be filed by the respondents being allowed in favour of the respondents, the result of this writ petition shall be subject to the result of the said review application filed by the respondents. It is open to the petitioner, to give a fresh representation along with the copy of this order to the third respondent viz., Tahsildar, for issuance of patta in his favour and it is for the third respondent to consider the same and pass orders on merits and in accordance with law, taking into consideration the order passed in this writ petition, within a period of six weeks from the date of receipt of a representation from the petitioner.

With these observations, the writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar
Dated:17.3.15

True Copy

Sub Assistant Registrar

To

- 1.The Principal Secretary/
Commissioner of Land Reforms,
Chepauk, Madras - 600 005.
- 2.The Competent Authority,
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Assistant Commissioner, Urban Land Tax,
Kancheepuram District,
Having its office at No.163, Karuneegar Street,
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- 3.The Tasildhar,
Sholinganallur Taluk,
Shollinganallur.

+1 cc to Mr.V.Ramesh, Advocate, SR.13185

+1 cc to the Government Pleader, SR.13256.