

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.10569 of 2016

H.A.Eswara

.. Petitioner

Versus

- 1 The Revenue Secretary to Government (U LC-I (1)) Ceiling Department Fort St. George Chennai-600 009.
- 2 The Commissioner Urban Land Ceiling and Urban Land Tax Chepauk Chennai-600 005.
- 3 The Assistant Commissioner (Urban Land Tax) Alandur Chennai-600 016. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to consider and dispose of the petitioner representation dated 23.01.2016 seeking restoration of ownership and possession of the land in question to petitioner as per the order passed in GO (MS) 296 dated 07.08.2015 by the 1st Respondent without any further delay.

For Petitioner : Mr.K.G.Vasudevan

For Respondents : Mr.R.Lakshmi Narayanan
Additional Government Pleader

O R D E R

Heard Mr.K.G.Vasudevan, learned counsel for the petitioner, and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader, after accepting notice for the respondents. By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. It is an unfortunate case, where inspite of the petitioner having succeeded before this Court in W.P.No.256 of 2009 dated 06.11.2009 and the appeal filed by the Government against the said order in W.A.No.2654 of 2010 having been

dismissed by the Hon'ble Division Bench by judgment dated 12.07.2013 and the Review Application filed by the Government in R.A.No.167 of 2014 also having been dismissed on 11.04.2014 and the Government vide G.O.(Ms.) No.296 Revenue [ULC-I(1)] Department dated 07.08.2015 took a decision to implement the judgment, till date the petitioner has not been able to get the benefits, which accrued to him on account of the order passed by this Court and accepted to be complied with by the Government vide order dated 07.08.2015.

3. In fact, if the petitioner has filed the contempt petition, it would be a fit and proper case to issue notice of contempt to the respondents for wilful disobedience of the order and direction issued by this Court. However, the petitioner does not want to resort to such procedure, but, has submitted a representation to the 1st respondent dated 23.01.2016, requesting the 1st respondent to prevail upon the Special Commissioner and Commissioner (ULC & ULT) Chepauk and the Assistant Commissioner (ULT), Alandur to comply with the directions of the Government.

4. It is not known as to why the respondents 2 and 3 have failed to comply with the Government Order, which was passed in August 2015. Thus, it prima facie shows that the respondents 2 and 3 have not only disregarded the orders passed by this Court but willfully flouted the directions issued by the Government in its order dated 07.08.2015.

5. In the light of the above, before this Court could take any drastic action for disobedience of the orders, one more opportunity is granted to the respondents to remedy the breach. Accordingly, there will be a direction to the 1st respondent to consider the petitioner's representation dated 23.01.2016 and ensure that the orders and directions issued by this Court, which are accepted to be implemented by the Government in G.O. (Ms.) No.296, Revenue [ULC-I(1)] Department dated 07.08.2015 is complied in full and all the benefits accrued to the petitioner are sanctioned, within a period of three months from the date of receipt of a copy of this order. The writ petition is disposed of. No costs.

ars

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1 The Revenue Secretary to
Government (U LC-I (1)) Ceiling Department
Fort St. George Chennai-600 009.

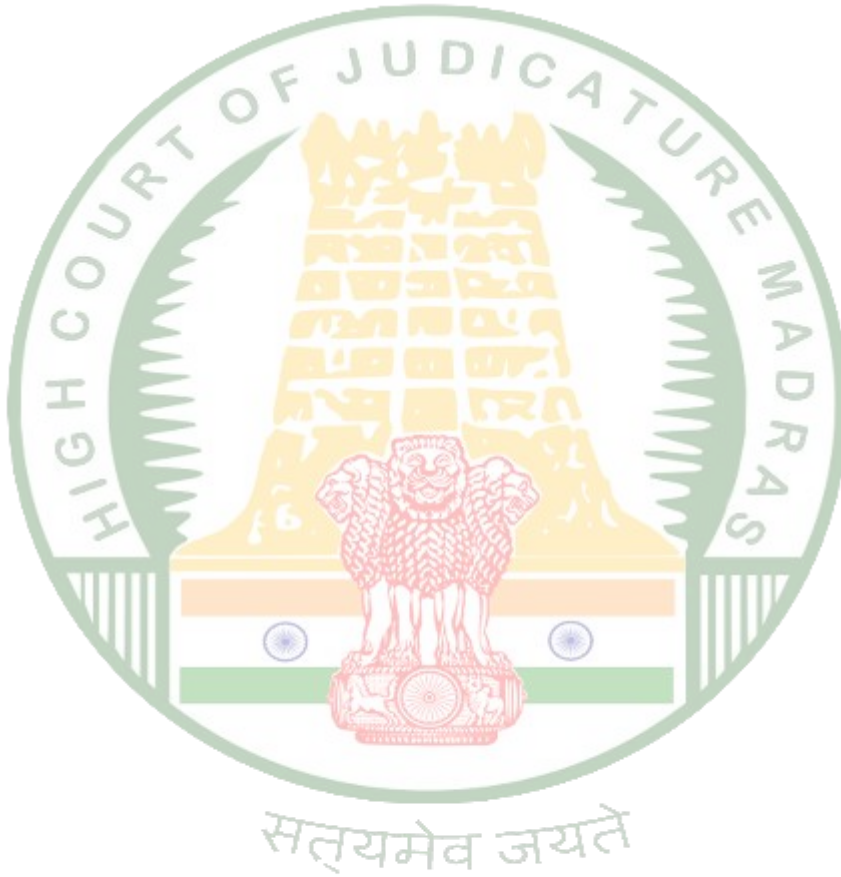
2 The Commissioner
Urban Land Ceiling and Urban Land Tax
Chepauk Chennai-600 005.

3 The Assistant Commissioner
(Urban Land Tax) Alandur Chennai-600 016.

+ 1 cc to Mr.K.G.Vasudevan, Advocate SR 18154

ad(co)
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