

IN THE HIGH COURT OF JUDICATURE AT MADRAS

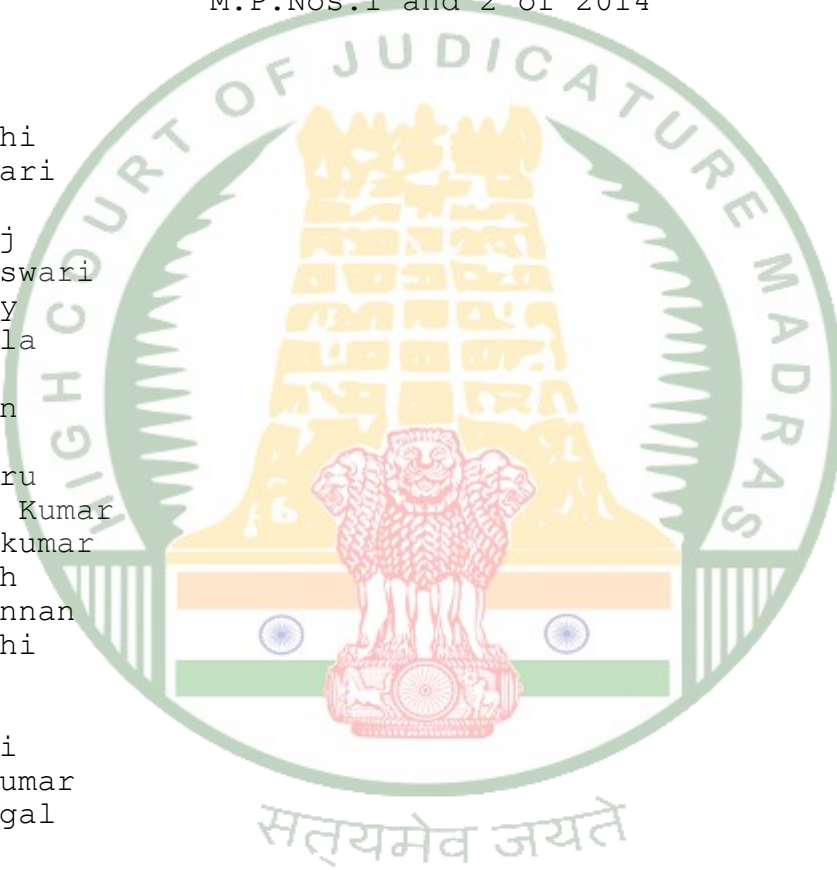
DATED: 31.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Appeal No.1270 of 2014
and
M.P.Nos.1 and 2 of 2014

- 1.M.Baskar
- 2.S.Menaka
- 3.V.Mohan
- 4.R.Vasanthi
- 5.M.Mageswari
- 6.R.Kaveri
- 7.M.Devaraj
- 8.Samundeeswari
- 9.Y.Mythily
- 10.S.Nirmala
- 11.S.Vijay
- 12.B.Kannan
- 13.M.Raja
- 14.J.Chandru
- 15.B.Madan Kumar
- 16.S.Nandakumar
- 17.D.Subash
- 18.M.Karvannan
- 19.S.Shanthi
- 20.R.Anand
- 21.N.Veni
- 22.T.Vettri
- 23.N.Jayakumar
- 24.V.Poomagal
- 25.P.Divya
- 26.R.Sivakumar
- 27.N.Elangovan
- 28.K.Muniammal
- 29.V.Prema
- 30.S.Sagunthala
- 31.M.Rajasekar
- 32.C.Clara
- 33.S.Aishwarya
- 34.Thenmozhi
- 35.S.Mahalakshmi
- 36.Susai Raj



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.. Appellants/Petitioner 1-30,
32-34, 36-40, 42, 43

Vs.

1. Government Film and TV
Employees Welfare Association,
Rep. by its Secretary,
Mr. Subramaniam,
No. 11, Amirtham Avenue,
Bharathi Street, Velachery,
Chennai-600 042.
 2. State rep. By its Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.
 3. The Special Commissioner,
(Urban Land Ceiling & Regularization),
Chepauk, Chennai-600 005.
 4. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.
 5. The Tahsildar,
The Guindy - Mambalam Taluk,
Ashok Nagar, Chennai-600 078.
 6. R. Moorthy
 7. K. Sarathy
 8. G. Karunanidhi
- ...Respondents/Petitioner/
...Respondents 1-4/R31, 35 & 41

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 19.08.2014 passed in W.P.No.919 of 2014. Writ petition filed under Article 226 of the constitution of India for a writ of declaration, declaring that the entire proceedings initiated by the respondents herein dated 17.12.1981 in R.C.NO.4592/81D for acquisition of the surplus lands under the held by the petitioner, in respect of old S. Ni.316/6B and 316/6F, present survey No.316/6B2, ad measuring 5570 sq. meters, Velachery Village, Mambalam-Guindy Taluk as void ab initio, arbitrary, illegal, unconstitutional more particularly in the light of the provisions contained in Tamil Nadu Urban Land ceiling and Regulation Repeal Act 20 of 1999 as the petitioner continues to remain in actual physical possession and consequently direct the third respondent to carry out necessary mutation in the revenue records in favour of the petitioner.

For Appellants : Mr.W.M.Abdul Majeed

For Respondents : Mr.M.Gnanasekar (For R1)
Mr. S.T.S.Murthy,
Additional Advocate General
Assisted by Mrs.A.Srijayanthi,
Special Government Pleader
for RR2, 3 and 5
Mr.Prabhu Mukunth Arunkumar
(for R3 to R28, 30, 32, 34 to 38,
40 and 41)
Mr.V.Anandhamurthy (For R4)
RR6 to 8 - Notice served - No appearance

JUDGMENT

(Judgment of the Court was made by HULUVADI G. RAMESH, J.)

Heard the learned counsel appearing for the appellants, the learned counsel appearing for the 1st respondent-Association, the learned Additional Advocate General appearing on behalf of respondents 2, 3 and 5, and the learned Standing counsel appearing for the Tamil Nadu Housing Board.

2.The first respondent herein, viz., Government Film and TV Employees Welfare Association, represented by the Secretary filed the writ petition in WP.No.919 of 2014 seeking direction to call for the concerned records relating to G.O.Ms.No.549 / Revenue (ULC-I(2)) Department, dated 31.12.2013 passed by the first respondent therein, to quash the same and consequently direct the first respondent therein to allot the lands to the extent of 6250 sq. metres in S.Nos.316/6B2 and 316/6D2 in Velachery Village, Chennai Urban Agglomeration to the petitioner Association.

3. The petitioners herein were impleaded as party respondents in the above writ petition. They were impleaded on the ground that they were the original allottees of the land through the Bharat Ratna Dr.Ambedkar Housing Welfare Association, vide order passed in G.O.Ms.No.918, Revenue Department, dated 19.11.1998 and subsequently the said allotment was cancelled by G.O.Ms.No.48, Revenue Department, dated 30.01.2008. The impleaded respondents 3 to 45/appellants herein challenged the said rejection by filing writ petition in W.P.No.5000 of 2011 and this Court by order dated 31.07.2012 directed the Government to allot alternate site to the said petitioners.

4.Considering the grievance of the first respondent herein/ writ petitioner, the learned Single Judge by order dated 19.08.2014 allowed the writ petition directing the Government to allot the lands to the extent of 6250 sq. metres situated in S.Nos.316/6B2 and 316/6D2 to the petitioner's Association with a further direction that the said exercise shall be completed within a period of 3 months.

5.Challenging the said order, the Government has filed W.A.No.967 of 2016 on various grounds and that the appellants have preferred this writ appeal.

6. When the matter is taken up for hearing, the learned counsel appearing on either side, in unison, submitted that this Court vide judgment dated 24.08.2016 allowed the writ appeal filed by the Government in part recording certain observations and also directed the Tamil Nadu Housing Board to consider the representation, if any, submitted by the first respondent herein and take a decision and pass orders thereon in accordance with law subject to the availability of lands and also subject to determining the cost of the land by the Housing Board as is done in normal circumstances.

7. In view of the above, the learned counsels submitted that this writ appeal may be disposed of as no further orders are necessary in this writ appeal.

8. In view of the above submission made by the learned counsels appearing on either side and following the judgment passed by this Court in W.A.No.967 of 2016 dated 24.08.2016, this writ appeal is disposed of as no separate order is required in this writ appeal. No costs. Consequently, the connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.
 - 2.The Special Commissioner,
(Urban Land Ceiling & Regularization),
Chepauk, Chennai-600 005.
 - 3.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.
 - 4.The Tahsildar,
The Guindy - Mambalam Taluk,
Ashok Nagar, Chennai-600 078.
 5. The competent Authority (Urban Land Ceiling)
and Assistant Commissioner (Urban Land Tax)
T. Nagar, Arcot Road, Chennai 600 024.
 6. The Tahsildar, Mambalam-Guindy Taluk, Chennai-83
- + 1 cc to Mr.V. Ananda Murthy, Advocate SR.49510

Writ Appeal No.1270 of 2014
and
M.P.Nos.1 and 2 of 2014

SKV(CO)
EU 20.10.16

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