

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13185 of 2016
and
W.M.P.No.11555 of 2016

K.Mallaiyan
S/o.R.Kahrimallagowdar

... Petitioner

Vs.

1. The State of Tamil Nadu
represented by its Secretary,
Revenue Department,
St.George Fort,
Chennai - 600 009.
2. The Principal Commissioner and
Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.
3. The Competent Authority
constituted under the
Urban Land Ceiling Act,
T.Nagar, Chennai - 17.
4. The Tahsildar,
Mambalam - Guindy Taluk,
Near Kasi Theatre,
Ashok Nagar, Chennai - 73.
5. The Tahsildar,
Velachery Taluk,
No.113, V.V.Koli Street,
Tharamani Looft Road,
Chennai - 600 042.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that the land comprised in Survey Nos.649 bearing Plot No.12 measuring 2820 sq.ft. situated at V.O.C. Nagar of Velachery Village, Chennai, belonging to the petitioner does not attract the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, in view of Section 3(1)(a) of the Urban Land (Ceiling

and Regulation) Repeal Act, 1999 and in the light of the order passed in W.P.No.10637 of 2006 dated 18.07.2007.

For Petitioner : Mr.E.Vijay Anand

For Respondents : Mr.N.Roofus Abraham,
Government Advocate

O R D E R

Heard Mr.E.Vijay Anand, learned counsel for the petitioner and Mr.N.Roobus Abraham, who accepts notice for the respondents. By consent, the main writ petition itself is taken up for disposal.

2. Petitioner has filed this writ petition seeking issuance of a Writ of Declaration declaring that the land comprised in Survey Nos.649 bearing Plot No.12 measuring 2820 sq.ft. situated at V.O.C. Nagar of Velachery Village, Chennai, belonging to the petitioner does not attract the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, in view of Section 3(1)(a) of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 and in the light of the order passed in W.P.No.10637 of 2006 dated 18.07.2007.

3. Learned counsel for the petitioner submitted that the adjacent plot owners viz., plot Nos.13, 14, 15, 16, 27, 28 and 32 of the same lay out had approached this Court seeking for an identical relief in W.P.No.10637 of 2006 and the same was allowed by order dated 18.07.2007 and it has been held that the petitioners therein are entitled to have the benefit of repeal Act as they continue to be in possession of the property. It is submitted that the present writ petition has been filed by the owner of Plot No.12 in the same lay out.

4. Learned Government Advocate appearing for respondents does not dispute the submissions made by the learned counsel for the petitioner that the matter is already decided by this Court.

Accordingly, this Writ Petition is allowed as prayed for. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary,
State of Tamil Nadu
Revenue Department,
St.George Fort,
Chennai - 600 009.
2. The Principal Commissioner and
Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.
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No.113, V.V.Koli Street,
Tharamani Looft Road,
Chennia - 600 042.

+lcc to Mr.E.Vijay Anand, Advocate, S.R.No.22045
+lcc to the Government Pleader, S.R.No.22534

सत्यमेव जयते

W.P.No.13185 of 2016

NM(CO)
CA(21/04/2016)

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