

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.4170 of 2014

and

C.M.P.No.11106 of 2016

K. Balaboopathy

... Petitioner

vs

1. Vikram Jain

2. The Special Commissioner,
Urban Land Ceiling,
Chepauk, Chennai - 600 005.

3. The Assistant Commissioner,
Urban Land Ceiling,
Adambakkam,
Chennai - 600 088.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order in I.A.No.379 of 2014 in O.S.No.12 of 2009 dated 25.8.2014 passed by the Sub Judge, Poonamallee.

For Petitioner : Mr.P.Subba Reddy
For Respondents : Mr.R.Venkata Varathan
for Ms.C.Uma [R1]
Mr.T.Jayaramaraj
Government Advocate (CrlSide)- R2 & R3

ORDER

This revision arise against order of learned Subordinate Judge, , passed in I.A.No.379 of 2014 in O.S.No.12 of 2009 on 25.8.2014 in which the court below has observed as follows :

“The respondent/plaintiff has not denied the fact that Urban Land proceedings have been initiated against them and the said issue was taken up by the plaintiff till the Honourable Supreme Court and finally S.L.P.No.3946 of 2011 was dismissed by the Honourable Supreme Court on 01.04.2013. No prejudice would be caused to the plaintiff in case the respondents 2 and 3 are added as defendants in the present suit. This court is of the view that to decide the issue involved in the case and regarding the subsequent developments the proposed respondents 2 and 3 are to be heard. Therefore, the present application is to be allowed.”

2. Learned counsel for the petitioner submits that first respondent is a tenant under petitioner in respect of the property which they were entitled to hold under the then existing Tamilnadu Urban Land Ceiling Act and that such property has not been taken possession by the Government. This submission find support from learned counsel for respondents 2 and 3. On the other hand, learned counsel for first respondent submits that the factum of possession having not been taken by the Government stands recorded in the proceedings before the Supreme Court.

3. Considering the attendant facts and circumstances and the rival submissions, this court is of the view that the order under challenge does not call for any interference and respondents 2 and 3 urban land ceiling authorities can do no more than produce records which would enable the court below in arriving at appropriate decision.

4. Accordingly, this Civil Revision Petition is dismissed. No costs. Any observations made herein above are only towards disposal of the present

revision and shall have no bearing on the merits of the case. No costs.

Consequently, connected miscellaneous petition is closed.

23.08.2016

Index:yes/no

Internet:yes

vrc

To

The Subordinate Judge,
Poonamallee.

C.T.SELVAM, J

vrc

C.R.P. (PD) No.4170 of 2014

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