

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27185/2016 & WMP.No.23338/2016

1.A.N.Visalakshi

2.A.N.Ganesh

3.A.N.Shankar

.. Petitioners

Versus

1.The Secretary to Government
State of Tamil Nadu
Revenue Department
Secretariat, Fort St George,
Chennai-9.

2.The Commissioner
Urban Land and Tax
Chepauk, Chennai-5.

3.The Assistant Commissioner of
Urban Land Ceiling, No.153,
Karuneegar Street, Adambakkam
Chennai 600 045.

4.The Tahsildar
GST Road, Kadapperi
Tambaram Taluk
Tambaram, Chennai-45.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to incorporate in the name of the 2nd and 3rd petitioners namely Mr.A.N.Ganesh and Mr.A.N.Shankar as owners in all the revenue records deleting the entry "Thamizhaga Arasu" in respect of the lands comprised in Survey No.106/1B, Peerkankaranai village, Tambaram Taluk, Kancheepuram District and to issue computerised patta, chitta and Adangal to the 2nd and 3rd petitioners in respect of the lands comprised in Survey No.106/1B, Peerkankaranai village, Tambaram Taluk, Kancheepuram District.

For Petitioners : Mr.N.Senthil Kumar

For R1 to R4 : Mr.R.Govindasamy, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioners along with one Jayanthi Venugopal, represented by the Power of Attorney Agent, had filed WP.No.2998/2004 on the file of this Court, for quashment of the order dated 15.11.2000 in TRP.No.70/1999 passed by the Tamil Nadu Land Reforms Special tribunal and a Division Bench of this Court, vide order dated 05.08.2015, had recorded a finding that the competent authority though issued a notice u/s.11[5] of the Tamil Nadu Urban Land [Ceiling and Regulations] Act, 1978, did not take any action u/s.11[6] and consequently, the 2nd respondent therein, viz., the Assistant Commissioner, Urban Land Ceiling and Land Reforms, Tambaram, Chennai-45, cannot be deemed to have handed over possession nor the Revenue Department could claim to have taken over possession and the land delivery receipt can at best be construed as a "Paper Delivery", not authorised by law and therefore, allowed the said writ petition. In the interregnum, the classification of the land, by virtue of the said proceedings, has been effected as "Thamizhaga Arasu" and in the light of the above cited order, prays for deletion of the said classification and to incorporate the names of the sons of the 1st petitioner, viz., Tvl.A.N.Ganesh and A.N.Shankar, in terms of the Memorandum of Partition and Family Arrangement dated 09.06.2015 bearing document No.1483/2005 dated 09.06.2005, registered on the file of the office of the Sub Registrar, Thiyagaraya Nagar, Chennai-17 and since no response is forthcoming, the petitioners have come forward to file the present writ petition.

3 The learned counsel for the petitioners would submit that the order passed by the Division Bench of this Court dated 05.08.2015 in Wp.No.2998/2004 has become final and therefore, there cannot be any impediment on the part of the respondents to consider and dispose of the petitioners' representation at an early date and prays for appropriate orders.

4 Heard the submissions of Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents and he seeks time to get instructions as to whether any appeal has been preferred before the Hon'ble Supreme Court of India against the above cited order.

5 This Court considered the rival submissions and also perused the materials placed before it.

6 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the respondents 3 and 4 to consider and dispose of the petitioners' representation dated 01.10.2015 and 02.07.2016 respectively, on merits and in accordance with law after taking note of the order passed by the Division Bench dated 05.08.2015 made in WP.No.2998/2004 and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7 The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government
State of Tamil Nadu
Revenue Department
Secretariat, Fort St George,
Chennai-9.

2.The Commissioner
Urban Land and Tax
Chepauk, Chennai-5.

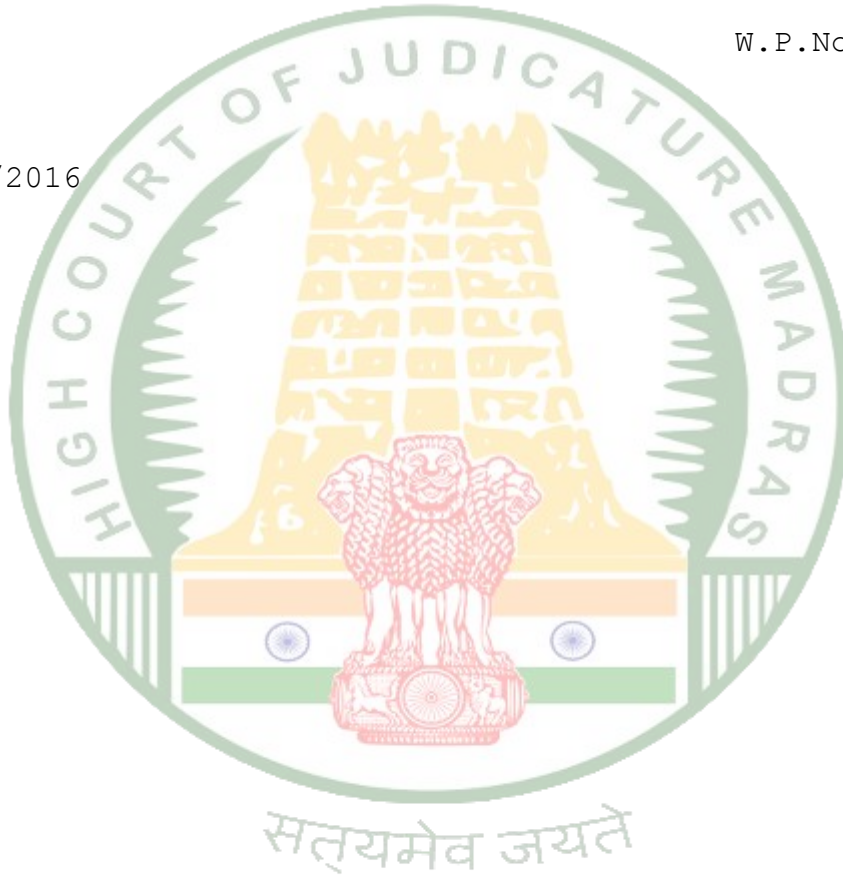
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GST Road, Kadapperi
Tambaram Taluk
Tambaram, Chennai-45.

+1cc to Mr.N.Senthilkumar, Advocate Sr.44388
+1cc to the Government Pleader Sr.44567

W.P.No.27185/2016

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