

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2016

CORAM:

THE HON'BLE MR. JUSTICE B.RAJENDRAN

W.P.No.41612 of 2016

Mahaveer Chand Bohara

... Petitioner

Versus

1.The Tahsildar,
Tambaram Taluk,
Tambaram.

2.The Special Tahsildar, (Settlement Officer)
Town Survey, Krishna Nagar 1st Street,
Mudichur Road, Tambaram.

3.The Competent Authority,
(Urban Land Ceiling) & Assistant Commissioner,
Urban Land Tax, Tambaram.

4.Lakshmi K.Vasan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents particularly the last respondents to transfer the patta in favour of the petitioner in respect of the land of an extent of 0.38 cents comprised in Survey No.382/3, Tambaram Village, Tambaram Taluk and Kancheepuram District, purchased by the petitioner by way of the sale deed registered as Doc.No.2117 of 2007 dated 28.02.2007 on the file of Sub Registrar, Tambaram, by considering the application of the petitioner dated 28.10.2016.

For Petitioner : Mr.N.Anand Venkatesh

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader [R1 to R3]

ORDER

The petitioner seeks for issuance of a Mandamus directing the respondents 1 to 3 to transfer the patta in his favour in respect of the land measuring an extent of 0.38 cents comprised in Survey No.382/3, Tambaram Village, Tambaram Taluk and Kancheepuram District, which was purchased by him by way of the sale deed registered as Doc.No.2117 of 2007 dated 28.02.2007 on the file of Sub Registrar, Tambaram, by considering his application for transfer of patta dated 28.10.2016.

The petitioner would state that he is the absolute owner of the land bearing Survey No.382/3, situate in Tambaram Village, Tambaram Taluk and Kanchipuram District, admeasuring

an extent of 0.38 cents, which was purchased by him by way of a registered sale deed registered as document No.2117 of 2007, dated 28.02.2007. The petitioner would further state that originally this property was owned by one Venugopal Reddiar, who sold the same to one Sambangi Reddiar, by a registered sale deed dated 15.02.1937. Thereafter, the said Sambangi Reddiar, sold the property to Smt.Soundaravalli Ammal by a registered sale deed dated 17.03.1967. The said Soundaravalli Ammal in turn sold the property to three persons viz., Joseph Thangaraj, P.Veerappan and T.Ranganathan. Later, the above said three persons sold the very same property to the petitioner's vendor by means of a registered sale deed dated 17.07.1995. According to the petitioner, in the year 1992, the Government had taken steps under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, in respect of the above said property. The competent authority of Urban Land Ceiling, Tambaram issued a Notification under Section 11(3) of the TNULC Act. Under the said notification, a portion of the property purchased by the petitioner viz., 0.26 cents have been acquired by the Government. The petitioner's vendor only came to know about the proceedings in the year 2003 and thereafter, he filed a writ petition before this Court in W.P.No.11881 of 2003, challenging the notification issued by the Urban Land Ceiling Authorities and this Court, by order dated 11.09.2004, quashed the said notification. Thereafter, the petitioner purchased the land in question measuring an extent of 0.38 cents in Survey No.382/3 for valuable consideration on 28.02.2007. He further submits that on the date of purchase, there was no Urban Land Ceiling proceedings pending against the land in question and therefore, valid title had passed on to him. Further, from the date of purchase, the petitioner is in possession and enjoyment of the property. Therefore, on 28.10.2016, the petitioner submitted an application along with relevant documents before the first respondent requesting him to transfer the patta in his favour. Since no order has been passed on such application, the petitioner has come forward with this Writ Petition.

3. Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3.

4. Though the petitioner prayed for issuing a direction to the official respondents to consider his application for transfer of patta in his favour, in the light of the above facts and circumstances and without going into the merits of the same, this Court directs the respondents 1 to 3 to consider the petitioner's representation dated 28.10.2016 and pass orders thereon on merits and in accordance with law as expeditiously as possible. Accordingly, the Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS VI)

To

1.The Tahsildar,
Tambaram Taluk,
Tambaram.

2.The Special Tahsildar, (Settlement Officer)
Town Survey, Krishna Nagar 1st Street,
Mudichur Road, Tambaram.

3.The Competent Authority,
(Urban Land Ceiling) & Assistant Commissioner,
Urban Land Tax, Tambaram.

+1cc to Government Pleader, High Court,
Madras SR. 70129

+1cc to M/S.N. Anand Venkadesh, Advocate SR. 69408

WP No.41612 of 2016

NRI (CO)
VR(28/02/2017)



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