

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9111 of 2016

Ms.N.S.Jaya

.. Petitioner

Vs.

1. State, represented by the Secretary,
Department of Revenue,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Principal Commissioner and
Commissioner of Land Reforms,
Ezhilagam, Kamarajar Salai,
Chepauk, Chennai-600 005.
3. The Commissioner of Urban Land Ceiling and Tax,
Ezhilagam, Kamarajar Salai,
Chepauk, Chennai-600 005.
4. The Assistant Commissioner of Urban
Land Ceiling and Tax--Mylapore,
Slum Clearance Board Office Complex,
No.124, R.K.Mutt Road, Mylapore,
Chennai-600 004.
5. The Tahsildar,
Mylapore-Thiruvannamiyur Taluk,
Taramani 200 Feet Road,
Velachery, Chennai-600 042.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the fourth and fifth respondents to make necessary changes in the Revenue Records relating to ownership of land in Survey No.214/2 A1, A1, A1 and A3, Thiruvannamiyur Village, Mylapore-Thiruvannamiyur Taluk, Chennai District and issue patta in favour of the petitioner for an extent of 650 square meters in Survey No.214/2 A1, A1, A1 and A3, Thiruvannamiyur Village, Mylapore-Thiruvannamiyur Taluk, Chennai District.

For Petitioner : Mr.P.Subba Reddy

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the fourth and fifth respondents to make necessary changes in the Revenue Records relating to ownership of land in Survey No.214/2 A1, A1, A1 and A3, Thiruvanmiyur Village, Mylapore-Thiruvanmiyur Taluk, Chennai District and issue patta in favour of the petitioner for an extent of 650 square meters in Survey No.214/2 A1, A1, A1 and A3, Thiruvanmiyur Village, Mylapore-Thiruvanmiyur Taluk, Chennai District.

2. The petitioner, who is aged about 87 years, had been in teaching profession. She originally had an extent of land about 1161 Sq.Mtrs. in Thiruvanmiyur Village, comprised in Survey No.214/2 and she further states that for single individual, 500 Sq.Mrts. of land was allowed and 661 Sq.Mrts. of the land was the excess land. As on 16.06.1999, the Government did not take physical possession and on that basis, the petitioner claimed to retain the land as per Section 3(ii) of the Repeal Act of the Tamil Nadu Urban Land (Ceiling and Regulation) Act. Earlier, the petitioner filed Writ Petitions in W.P.Nos.39713 and 39714 of 2002, challenging the urban land proceedings of the land, which were allowed by this Court on 06.02.2009, against which, the State Government filed Writ Appeals in W.A.Nos.1403 and 1404 of 2012, which were dismissed by the Division Bench of this Court on 12.12.2012, against which, the State Government preferred Special Leave Petitions before the Supreme Court in S.L.P.Nos.12788 and 12789 of 2015, which were also dismissed on 20.07.2015. It is the petitioner's further case that subsequent to the above orders, she pursued the respondents 4 and 5 to delete the name of the Government in their records about ownership of the land and inform the same to the fifth respondent, by directing him to remove the name of the Government relating to ownership of the land and insert the name of the petitioner as the owner of the property. Without considering the above request, the respondents are delaying the matter. In spite of issuance of notices to the respondents on 25.02.2014 and 02.01.2016, there is no response. Hence, the petitioner has filed this Writ Petition for the above said relief.

3. Heard both sides.

4. Taking into consideration the facts and circumstances of the case and without going into the merits of the claim of the petitioner, this Court directs the petitioner to submit a fresh application in prescribed format, to the respondents 4 and 5 in respect of the above relief, along with a copy of this order, within a period of one week from the date of receipt of a copy

of this order. On receipt of such application from the petitioner, the respondents 4 and 5 are directed to conduct enquiry and after giving an opportunity of personal hearing to the petitioner and other necessary parties, pass appropriate orders and dispose of the said application, on merits and in accordance with law, within a period of eight weeks thereafter.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

Copy to

1. Secretary,
Department of Revenue,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Principal Commissioner and
Commissioner of Land Reforms,
Ezhilagam, Kamarajar Salai,
Chepauk, Chennai-600 005.
3. The Commissioner of Urban Land Ceiling and Tax,
Ezhilagam, Kamarajar Salai,
Chepauk, Chennai-600 005.
4. The Assistant Commissioner of Urban
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5. The Tahsildar,
Mylapore-Thiruvanmiyur Taluk,
Taramani 200 Feet Road,
Velachery, Chennai-600 042.

+ 3 ccs to Mr.P.subba Reddy, Advocate, SR 16455, 15868

+ 1 cc to Govt.Pleader, High Court, Madras SR 16049

vsn(co)
prk23/3

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