

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8152 of 2004
(S.R.P.No.32 of 2001)

Dr.Ambedkar Hut Dwellers Welfare
Association (Regd. No.358/86)
represented by the Secretary,
Perungudi, Chennai - 600 096. Petitioner

Vs.

1.Special Commissioner and
Commissioner of Land Reforms,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.State of Tamil Nadu, rep. by
The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009. Respondents

Prayer:

The Revision Petition in S.R.P.No.32 of 2001 was filed before the Tamil Nadu Reforms Special Appellate Tribunal praying to call for the records of the 1st respondent herein pertaining to Order No.Mu.Mu.16420/2000, dated 4.12.2000 and quash the same and consequentially direct the respondents herein to complete the formalities for the allotment of the lands comprised in Survey Nos.49/3B, 51/1A5, 51/1A1C, 54/1B & 55/1 in Seevaram Village and Survey Nos.223/4B, 226/13A, 53/10 & 53/11 in Perungudi Village in Tambaram Taluk, Kancheepuram District in favour of the Applicant Association. The same was transferred to the file of this Court and renumbered as W.P.No.8152 of 2004.

For Petitioner : Mr.Srinath Sridevan
For Respondents : Mrs.K.Bhuvaneswari
Government Advocate

O R D E R

The petitioner association filed petition before the Tamil Nadu Reforms Special Appellate Tribunal, Madras in S.R.P.No.32 of 2001. Consequent to the abolition of the Tamil Nadu Reforms Special Appellate Tribunal, the case was transferred to this Court.

2.The case of the petitioner is that the poor and downtrodden who belong to the suppressed communities joined together and formed petitioner association in order to protect their interest. The petitioner association applied to the first respondent for allotment of certain lands comprised in Survey Nos.49/3B, 51/1A5, 51/1A1C, 54/1B & 55/1 in Seevaram Village and Survey Nos.223/4B, 226/13A, 53/10 & 53/11 in Perungudi Village in Tambaram Taluk, Kancheepuram District. The properties were sought for the purpose of providing house sites for the members of the petitioner association.

3.The learned counsel appearing for the petitioner would submit that initially, the petitioner association made a representation to the Assistant Commissioner of Urban Land Ceiling, Alandur. The Assistant Commissioner recommended the petitioner's claim for allotment of house-sites and the said recommendation was forwarded to the first respondent and the first respondent by impugned order dated 04.12.2000, rejected the request made by the petitioner association on the ground that as per Government Order in G.O.Ms.No.353, Revenue, dated 30.06.2000, the excess vacant land acquired through the Urban Land Ceiling proceedings were ordered to be allotted to the Government department and thereafter, to be sold by way of public auction or tender.

4.The learned counsel appearing for the petitioner further relied upon Section 24 (5) of the Tamil Nadu Urban Land (Ceiling and Regulations) Act and would submit that excess land acquired under the Urban Land Ceiling Proceedings, should be either sold by way of public auction or otherwise. The otherwise must call for the general public who are entitled for the house-sites.

5.I am not able to accept the said contention since the said Government order in G.O.Ms.No.353, Revenue, dated 30.06.2000, was passed in terms of Section 24 (5) of the Tamil Nadu Urban Land (Ceiling and Regulations) Act.

6.It is useful to extract hereunder the relevant portion of Section 24 (5) of the Tamil Nadu Urban Land (Ceiling and Regulations) Act:

"(5) Notwithstanding anything contained

in the foregoing provisions of this section, any vacant land deemed to have been acquired by the State Government under this Act or which has been, or is, acquired by the State Government under any other law or which otherwise belongs to the State Government shall be disposed of in any manner whatsoever (including sale by auction or otherwise) by the State Government to subserve common good on such terms and conditions as the State Government may deem fit to impose and it shall be lawful for any person in whose favour such land has been disposed of to hold such land in excess of the ceiling limit so long as he complies with such terms and conditions."

7. On a perusal of the above Section, it is very clear that the land acquired by the State Government under the provisions of Tamil Nadu Urban Land (Ceiling and Regulations) Act shall be disposed in the manner whatsoever including sale by auction or otherwise by the State Government to subserve the common goods. On such terms and conditions, the State Government deemed fit to dispose in the above said manner.

8. The case of the petitioner association is that they made representation for allotment of house-sites. It do not think that it is a matter of right for claiming the excess land acquired under the Urban Land Ceiling Proceedings. Unless the said Government Order passed by the Government is challenged, the prayer sought for in the writ petition cannot be entertained. Accordingly, I am not inclined to interfere with the order passed by the first respondent. Accordingly, the writ petition is dismissed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

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Sub Assistant Registrar

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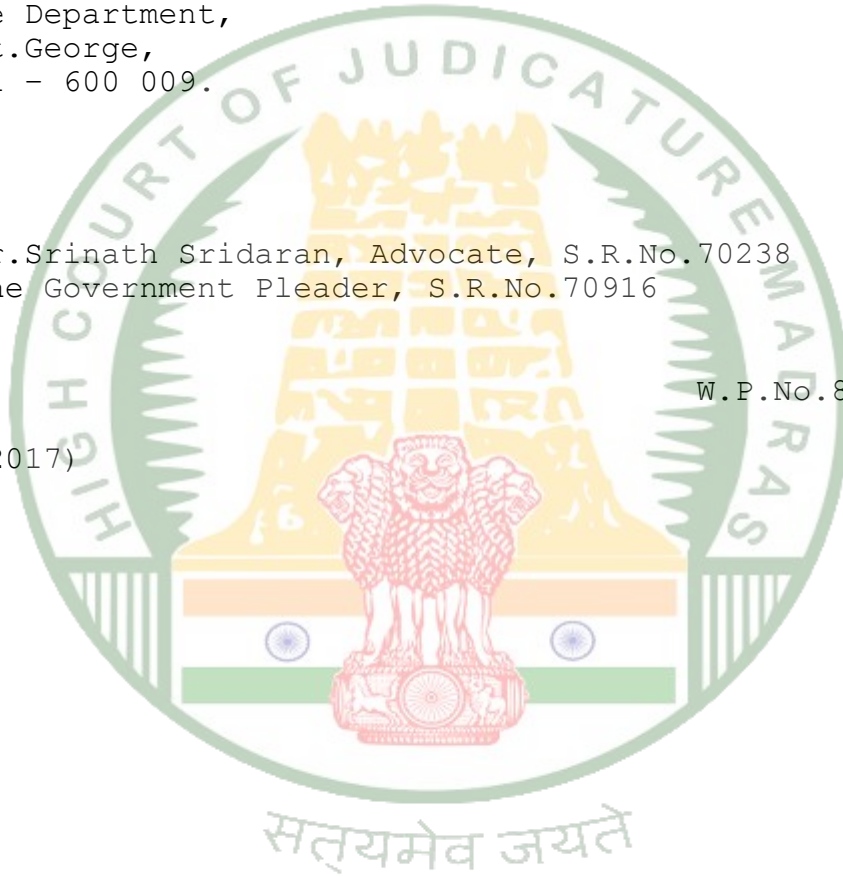
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+1cc to Mr.Srinath Sridaran, Advocate, S.R.No.70238
+1cc to the Government Pleader, S.R.No.70916

W.P.No.8152 of 2004

MG (CO)
RS (28/10/2017)



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