

HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.06.2017

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No. 18823 of 2016
and
WMP No.16428 of 2016

K.S.Ramasundaram

..petitioner

Vs.

1. Principal Secretary and Commissioner
of Land Reforms,
Government of Tamil Nadu,
Fort. St. George,
Chennai-600 009.
2. The Commissioner,
Urban Land and Ceiling,
Chepauk,
Chennai-600 005.
3. The Commissioner,
Department of Survey and Settlement,
Chepauk,
Chennai- 600 005.
4. The District Collector,
Tiruvallur District,
Tiruvallur - 602 001
5. Additional Personal Assistant
(Land) to the Collector,
Tiruvallur District,
Tiruvallur.
6. The Assistant Commissioner
for Land Ceiling and Tax,
No.5, Perumal Koil Sannathi Street,
Poonnamallee,
Chennai-600 056.
7. The Tahsildar,
Ambattur Taluk,
Office of the Revenue Divisional Officer,
Ambattur,
Chennai-600 053.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Rc.No.4268/15/C1, dated 14.08.2015, on the file of the seventh respondent herein and to quash the same, and direct the respondents to delete the entry made as "Tamil Nadu Arasu and Tamil Nadu Arasu U.L.C." appearing in the Town Survey Register pertaining to the land to an extent of 1980 Sq.ft., bearing Old Survey No.3/1A, 1B, 5B corresponding to T.S.No.46 in Menambedu village in Ambattur Taluk and Tiruvallur District, and to issue a revenue patta to the petitioner for the said land, by including the name of the petitioner in the Town Survey Register, and Revenue Records.

For Petitioner : Mrs.Elizabeth Ravi for S.Subbiah

For Respondents: Mr.N.Srinivasan,
Additional Government Pleader

ORDER

According to the learned counsel for the petitioner, the subject matter of the writ petition relates to the plot No.7 in Survey No.3/1A, 1B, 5B, in Menambedu Village in Ambattur Taluk and Tiruvallur District. The aforesaid land along with the larger extent of the land, in Survey No.3/1B, totally to an extent of 78 cents, in Menambedu Village in Ambattur Taluk, Tiruvallur District originally belonged to one, Srinivasa Chetty, and by settlement deed dated 30.07.1983, conveyed the same to his son S.Rajendran. Then, the aforesaid property was divided and the petitioner was allotted plot No.7 by sale deed dated 09.04.1990 and registered as Document No.5779 of 1990 on the file of the Sub Registrar, Ambattur. Thereafter, the suit property was purchased by the vendor of the petitioner and the petitioner sold the said property under a sale deed dated 17.04.2013, and registered as document No.4555 of 2013 on the file of the Sub Registrar, Ambattur and subsequently, the said land was assigned in Patta No.1253. Then, the petitioner applied to the seventh respondent herein for the change of patta in his name. But, the seventh respondent issuing a proceedings in RC.No.4268/15/C1 dated 14.05.2015 stated that in Ambattur Town Survey Register, it had been entered as "Tamil Nadu Government (ULC)" and also denied the request of the petitioner. According to the petitioner, leaving all other surrounding lands, only the petitioner's land had fell within the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation Act. Therefore, the petitioner made a representation to the respondents 1, 2 and 4 to 7 on 15.04.2016 pointing out the above

facts and requesting to rectify the error, if any, made on the part of them, and issue necessary patta. The said representation was acknowledged by the above respondents, but the petitioner has not received any reply. Hence, the petitioner has filed the present Writ petition before this Court to challenge the said proceedings and directing the respondents to issue necessary patta to the petitioner for the above said land.

2. The learned Additional Government Pleader would submit, by relying upon the para 3 of the counter affidavit filed by the sixth respondent, that the land Survey No.3/1Bpt of 1600 Sq.mts of Menambedu Village was declared as excess, acquired under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act and possession of the excess vacant land was handed over to Revenue Department on 15.06.1999, before the enactment of Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act 1999 making changes in village/Taluk Accounts vide 8A No.883/1409 dated 12.11.1999. Hence, the aforesaid land has been shown in the records as "Government of Tamil Nadu" and the petitioner has purchased the said property during the year 2013, 15 years after the completion of acquisition, though the said process had been completed in the year 1999. Therefore, the writ petition challenging the said proceedings passed by the seventh respondent is liable to be dismissed.

3. Heard, the rival submissions made by the parties and perused the materials on record. The above facts would shows that subject matter of plot was purchased by the petitioner and the same is classified as "Government Land (ULC)". It is seen from the Counter affidavit that the said land was acquired under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act and the property was declared as excess vacant land and handed over to the Revenue Department on 15.06.1999.

4. In view of the above fact, without approaching the appropriate authority, challenging the aforesaid notification issued under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, the petitioner's challenging the impugned order passed by the seventh respondent in this writ petition is not maintainable and it cannot be entertained under Article 226 of the Constitution of India. No prima facie case made out to entertain this writ petition.

5. Accordingly, the writ petition fails and the same is dismissed with liberty to the petitioner to approach before the appropriate authority, if so advised. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

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of Land Reforms,
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+1cc to Mr.Elezabath Ravi,Advocate sr.43396

+1cc to Government Pleader sr.43451

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ssI(co)

ss(27/7/2017)