

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.42281 of 2016
and
W.M.P.No.36185 of 2016

M.Sampath

... Petitioner

Vs.

1. The Secretary,
Department of Revenue,
Government of Tamil Nadu,
Secretariat, 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 (ULC) and
Director (ULT), Ezhilagam,
Chennai - 600 005.
4. The Competent Authority (Urban Land ceiling)
cum-Assistant Commissioner (Urban Land Tax),
Alandur,
Chennai - 600 088.
5. The Tahsildhar,
Sholinganallur Taluk,
Kancheepuram District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 5th respondent to issue patta in respect of the petitioner's land measuring 14,600 square meter situated in Survey No.514, Perumbakkam village, Sholinganallur, Kancheepuram District, in accordance with the order of this Court in W.P.No.28930 of 2012 dated 25.04.2013 confirmed by the Honourable Division Bench in W.A.No.906 of 2014 dated 22.07.2014.

For Petitioner : Mr.K.M.Vijayan,
Senior Counsel
for M/s.K.M.Vijayan Associates

For Respondents : Mr.A.Kumar,
Special Government Pleader
for R1 to R5

O R D E R

The petitioner seeks for a Mandamus to direct the 5th respondent to issue patta in respect of the petitioner's land measuring 14,600 square meter situated in Survey No.514, Perumbakkam village, Sholinganallur, Kancheepuram District, in accordance with the order of this Court made in W.P.No.28930 of 2012 dated 25.04.2013 confirmed by the Division Bench in W.A.No.906 of 2014 dated 22.07.2014.

2. Heard Mr.K.M.Vijayan, learned senior counsel appearing for the petitioner and Mr.A.Kumar, learned Special Government Pleader appearing for the respondents.

3. The petitioner made a representation on 01.12.2014 before the 5th respondent and others for grant of patta in pursuant to an order passed by this Court in W.P.No.28930/2013 dated 25.04.2013 confirmed in W.A.No.906/2014 dated 22.07.2014 declaring that the petitioner is entitled to the benefit of Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act 1999 in respect of the subject matter land.

4. The grievance of the petitioner is that the said representation of the petitioner has not been considered so far even though an order passed by this Court as stated supra has become final and conclusive as no further appeal is filed challenging the said order before the Apex Court, to the knowledge of the petitioner.

5. On the other hand, the learned Special Government Pleader seeks further time to get instruction, however by fairly saying that only the files are sent on 13.12.2015 for preferring appeal before Apex Court by issuing a reminder letter dated 10.10.2017.

6. In fact, this matter was adjourned on several occasions and lastly, it was taken up for hearing on 06.10.2017, on which day, this Court directed the matter to be listed today finally. The fact remains that the respondents have not filed the counter so far. Learned Special Government Pleader is also not in a

position to produce any material to show that an appeal has been filed before the Honourable Supreme Court.

7. When this Court passed an order in the Writ petition which was confirmed by the Division Bench as early as on 22.07.2014, it is for the respondents to act vigilantly and file an appeal immediately if they are so aggrieved. However, nothing is placed before this Court to show the filing of the appeal before the Apex Court except making the above contentions of the learned Special Government Pleader.

8. Considering the fact that the writ court passed the order as early as in the year 2013 which was confirmed by the Division Bench in July, 2014 and further considering the fact that the respondents have not chosen to file counter, even till this date, even though the matter was adjourned on several occasions and finally posted today for hearing, this Court is left with no other option except to pass the following order in the light of the above orders passed by this court earlier.

The 5th respondent is directed to consider the representation of the petitioner dated 07.03.2016 and pass orders on the same on merits and in accordance with law also by taking note of the order passed by this Court in W.P.No.28930/2013 dated 25.04.2013 and W.A.No.906/2014 dated 22.07.2014, if there is no other legal impediment for the 5th respondent to pass an order as on the date of passing such order. Such exercise shall be done by the 5th respondent within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

vsi

To

1. The Secretary,
Department of Revenue,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 600 009.

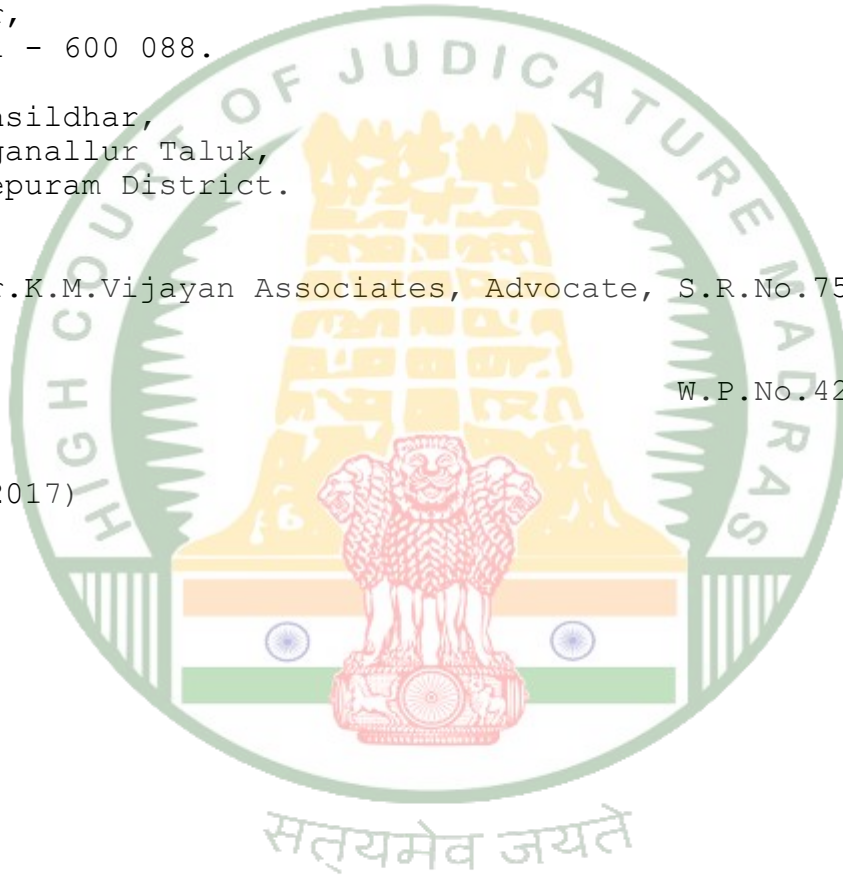
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+1cc to Mr.K.M.Vijayan Associates, Advocate, S.R.No.75827

W.P.No.42281 of 2016

NRI (CO)
CA(13.11.2017)



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