IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 43115 of 2016
and
W.M.P No.36942 of 2016

R. Sudha ..Petitioner

Vs.

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

2. The Commissioner
Urban, Land Ceiling and Urban Land Tax
Chepauk, Chennai - 600 005.

3. The Assistant Commissioner
Urban, Land Ceiling and Urban Land Tax
Poonamallee & Ambattur
No.5, Sanathi Street,
Poonamallee, Chennai-56. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1 to 3rd respondents to issue regularization order pertaining to the petitioner property to pass orders in proceedings RC No.7649 of 2016 dated 17.10.2016 submitted by the petitioner pertaining to regularisation of the land situated at Golden George Nagar, Mugappair Village, Ambattur Taluk, Tiruvalluvar District, comprised in Survey No.412, 413, 423, Plot No.173 Part and Plot No.174 Part, measuring an extent of 2400 sq.ft.

For Petitioner : Mr. T. Ramachandran

For Respondents : Mr. N. Srinivasan,
Addl. Govt. Pleader

ORDER

The petitioner has filed the present writ petition seeking to direct the respondents 1 to 3 to pass orders in proceedings RC No.7649 of 2016 dated 17.10.2016 submitted by him pertaining to regularisation of the land situated at Golden George Nagar, Mugappair Village, Ambattur Taluk, Tiruvalluvar District, comprised in Survey No.412, 413, 423, Plot No.173 Part and Plot No.174 Part, measuring an extent of 2400 sq.ft.

2. Learned counsel for the petitioner submitted that the petitioner's father was in possession of 2400 sq.ft. of land. On 08.06.2004, he executed two separate settlement deeds in favour of the petitioner, registered as document Nos.2902/2004 and 2904/2004 measuring an extent of 800 sq.ft. and 1600 sq.ft. on the northern portion in Plot No.174 and 173, respectively, in Golden George Nagar, Mugappair Village. On the basis of the aforesaid settlement deeds, the petitioner approached the Revenue Department, namely, the 2nd and 3rd respondents to obtained patta. They directed the petitioner to obtain regularisation order from the concerned authorities. The said application for regulariation was submitted on 12.09.2016 to the Assistant Commissioner, Urban & Land Tax, who forwarded the same to the 2nd respondent. After scrutinising, the 2nd respondent sent the proposal to the 1st respondent and the same is pending with him from 17.10.2016. As no order has been passed, the petitioner has filed this writ petition, before this Court seeking the aforesaid prayer.

3. According to the petitioner, father of the petitioner has purchased the property and therefore the Government orders in G.O.Ms. No. 649 dated 29.07.1998 and G.O.Ms. No. 565 dated 26.09.2008, will be applicable to the petitioner.

4. Mr. N. Srinivasan, learned Special Government Pleader would submit that the petitioner's father had executed a settlement deed in favour of the petitioner. The aforesaid Government orders in G.O.Ms. No. 649 dated 29.07.1998 and G.O.Ms. No. 565 dated 26.09.2008, will not be applicable to the petitioner, as the same would apply only to the subsequent purchaser, for regularisation of the land. But the petitioner has obtained the property through settlement deeds during 2004 and so the writ petition is liable to be dismissed.

5. Considered the rival submissions of the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent department and perused the material available on record.

6. According to the petitioner, the said property was purchased by her grandfather and therefore the G.O.Ms. No. 649 dated 29.07.1998 and G.O.Ms. No. 565 dated 26.09.2008, would apply to the petitioner. The petitioner also submitted that on the basis of the said application, the 2nd respondent had submitted the proposal and the same is pending with the 1st respondent. However, today at the time of arguments, learned counsel for the petitioner requested this Court that it would be suffice, if direction is given to the respondents to consider her application dated 12.09.2016 pending before the 1st respondent, within a specific time frame.

7. Under such circumstances, without going into the merits of the case, this Court is inclined to direct the 1st respondent to consider the petitioner's application dated 12.09.2016 and pass orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of five months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS II )

/true copy/

Sub Asst. Registrar

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

2. The Commissioner
Urban, Land Ceiling and Urban Land Tax
Chepauk, Chennai - 600 005.

3. The Assistant Commissioner
Urban, Land Ceiling and Urban Land Tax
Poonamallee & Ambattur
No.5, Sanathi Street,
Poonamallee, Chennai-56.

+ 1 cc to M/s.T.Ramachandran, Advocate,SR.43147
+ 1 cc to The Govt.Pleader, SR.

W.P. No. 43115 of 2016
and
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GR(CO)
NR 17/08/2017