

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8458 of 2018
and
W.M.P. No.10403 of 2018

G.Pappiah

.. Petitioner

-vs-

1.State of Tamil Nadu,
rep. by Secretary to Government,
Revenue Department,
Fort St. George, Chennai 600 009.

2.Commissioner of Land Administration,
Ezhilagam, Chempauk,
Chennai 600 005.

3.The Assistant Commissioner,
Urban Land Tax,
Kancheepuram District,
No.169, Sannadhi Street,
Adambakkam, Chennai 600 088.

4.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur.

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondents to issue patta for the property belonging to the
petitioner in No.5/864, Lake View Main Road, Plot No.27,
Aiyappa Nagar, Madippakkam Village, Kancheepuram District in
terms of the order passed in W.P. No.902 of 2001 dated
14.12.2006 passed by this Court.

For Petitioner :: Mr.A.Jenasenan

For Respondents :: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to issue patta for the property belonging to the petitioner in No.5/864, Lake View Main Road, Plot No.27, Aiyyappa Nagar, Madippakkam Village, Kancheepuram District in terms of the order passed in W.P. No.902 of 2001 dated 14.12.2006 passed by this Court.

2.The case of the petitioner is that he is the owner of Plot No.27, Lakeview Road, Aiyyappa Nagar, Chennai-91 measuring to an extent of 2400 sq.ft. and the same has been purchased by way of a Sale Deed dated 18.04.1974 registered as Doc. No.580 of 1974. He had put up construction on the said plot by obtaining plan approval from the Member Secretary, MMDA vide PP No.5043/1987 and a building extension plan approval with PP No.7451/1992. He has been residing in the said property for the past 30 years and regularly paying taxes and charges to CMWSSB for the usage of civil amenities. Though the petitioner has obtained planning permission from St. Thomas Mount Panchayat Union for putting up construction, his plot has been exempted from the purview of Urban Land Ceiling and Regulation Act. Therefore, the petitioner has filed a Writ Petition in W.P. No.902 of 2001 challenging the proceedings of the third respondent dated 31.10.1986 in SR No.9/25A and forbearing the respondents from taking any action under the said Act in respect of the land belonging to him. This Court has allowed the said writ petition and quashed the impugned proceedings insofar as the petitioner's site is concerned. Though the said order became final and the first respondent by letter dated 25.01.2018 had forwarded the petitioner's representation to the Revenue Department to take appropriate action to issue patta, till date no action has been taken by the respondents. Therefore, he is before this Court.

3.Learned Special Government Pleader appearing for the respondents has submitted that he was unable to receive any instructions from the respondents.

4.Although the petitioner has given various representations dated 02.01.2018, 16.01.2018 and 08.02.2018 to the respondents seeking patta to his property and the similarly placed persons as that of the petitioner have been granted patta pursuant to the dismissal of W.A. Nos.975 to 978 of 2015, the respondents are duty bound to issue patta to the petitioner since the above said W.P. No.902 of 2001 has become final. Accordingly, this writ petition is allowed and the respondents are directed to issue patta for the above said property belonging to the petitioner in terms of the order passed in W.P. No.902 of 2001 dated 14.12.2006 passed by this Court within a period of eight

weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

vga

To

1.State of Tamil Nadu,
rep. by Secretary to Government,
Revenue Department,
Fort St. George, Chennai 600 009.

2.Commissioner of Land Administration,
Ezhilagam, Chempauk,
Chennai 600 005.

3.The Assistant Commissioner,
Urban Land Tax,
Kancheepuram District,
No.169, Sannadhi Street,
Adambakkam, Chennai 600 088.

4.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur.

+1cc to Mr.A.Jenasenan, Advocate SR.No.29348
+1cc to Government Pleader SR.No.29568

सत्यमेव जयते

W.P.No.8458 of 2018

GN(09/05/2018)

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