

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10885 of 2018

Meera Sivaprasad

... Petitioner

-Vs-

1. State of Tamil Nadu,
Represented by Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 009.
2. The Special Commissioner and Commissioner,
of Land Reforms, Ezhilagam,
Chepauk, Chennai - 600 005.
3. The Assistant Commissioner of Urban Land Tax,
District Collectorate Complex,
State Bank Road,
Coimbatore - 641 018.
4. The Tahsildar,
Office of the Tahsildar,
Coimbatore District.
5. The Village Administrative Officer,
12, PerurChettipalayam Village,
Perur, Coimbatore South Taluk,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation made by the petitioner on 12.12.2016 to the respondents in light of the order passed by this Court in WP.No.37825 of 2004.

W.P No.37825/2004:- Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Declaration, declaring that the members of the petitioner Association shall have full rights as owner of the petitioner Association shall have full rights as owner in respect of the

property purchased and situate in survey No.19/6, 19/7, 20/1 and 20/2 in Porur Chettipalayam Village, Coimbatore Taluk, Coimbatore District and continue to enjoy the said properties as lawful owners with full ownership rights in the light of the Tamil Nadu Urban Land (Celing and Regulation) Repeal Act 1999, and deal with the same as they deem fit.

For petitioner : Mr. R.Sivaraman

For Respondents: Mr. Akhil Akbar Ali,
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to consider the representation made by the writ petitioner on 12.12.2016 in the light of the order passed by this Court in W.P.No.37825 of 2004.

2. Learned counsel for the writ petitioner made a submission that Perur Chettepalayam Kovai Kurinji Nagar Residents Association has filed a writ petition in W.P.No.37825 of 2004, in respect of the same cause of action and this Court has passed an order on 01.10.2009, allowing the writ petition.

3. Against the order passed in the said writ petition, a writ appeal was filed by the respondents in Writ Appeal No.2582 of 2012, which was dismissed on 15.11.2012 and the S.L.P.(C) CC No.7212 of 2015 was also dismissed by the Hon'ble Apex Court on 27.11.2005. Thus, the order passed in W.P.No.37825 of 2004 stands confirmed.

4. Relying on the said judgments, learned counsel for the writ petitioner states that the petitioner was not a member of the Association. Therefore, the benefits extend by this Court in the above writ petition has not been provided to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

5. Under such circumstances, the authorities competent to be considered the case of the writ petitioner, in the light of the judgments and with reference to the merits and facts available on record.

6. This being the factum of this case, the third respondent is directed to consider the representation submitted by the writ petitioner on 12.12.2016 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Writ petitioner is

directed to enclose the copy of the representation and all other relevant documents along with the order passed in the present writ petition.

Accordingly, the writ petition is disposed of. However, no order as to costs.

vsm/mp

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 009.
2. The Special Commissioner and Commissioner,
of Land Reforms, Ezhilagam,
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12, PerurChettipalayam Village,
Perur, Coimbatore South Taluk,
Coimbatore.

+1cc to Mr.R.Sivaraman, Advocate, S.R.No. 88887
+1cc to the Government Pleader, S.R.No.88381

W.P.No.10885 of 2018

GP (CO)
KAK (21/01/2019)