

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.2751 & 2752 of 2018  
and  
WMP.Nos.3399 & 3400 of 2018

M/s.Madeswar Realty Pvt. Ltd.,  
Rep. by its Authorised Signatory  
Mr.K.Baskaran .. Petitioner  
(in WP.No.2751 of 2018)

M/s.Wellstores (Madras) Private Ltd.,  
Rep. by its Authorised Signatory  
Mr.D.Gobichandran ... Petitioner  
(in WP.No.2752 of 2018)

versus

1.The Government of Tamil Nadu  
Rep. by the Secretary of Revenue  
Fort St.George,  
Chennai-600 009.

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

3.The Assistant Commissioner  
Urban Land Ceiling Department  
Kundrathur Area  
No.63, Karunegar Street,  
Adambakkam, Chennai-600 088.

4.The Tahsildar  
Pallavaram Taluk  
Kancheepuram District.

.. Respondents  
(in WP.Nos.2751 & 2752 of 2018)

Writ petition No.2751 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents herein to issue a No Objection Certificate permitting the 4th respondent to mutate the revenue records relating to the properties of the petitioner comprised in Survey Nos.430/2 admeasuring Acre 0.18 cents, 433/1, admeasuring Acre 0.11 cents, 433/3 admeasuring Acre 0.12

cents, 434/2, admeasuring Acre 0.08 cents, 434/1, admeasuring Acre 0.15 cents, 448/2A, admeasuring Acre 0.25 cents, in all admeasuring 0.89 cents in Manapakkam Village, Sriperumbudur Taluk, Kancheepuram District in the name of the petitioner in the light of the orders in WP.Nos.8658 & 8659 of 2012.

Writ petition No.2752 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents herein to issue a No Objection Certificate permitting the 4th respondent to mutate the revenue records relating to the properties of the petitioner comprised in Survey Nos.433/2 admeasuring 8 cents, in Survey No.448/1 admeasuring 17 cents, in Survey No.448/2B admeasuring 27 cents, in Survey No.449/1 admeasuring 42 cents, in Survey No.449/2 admeasuring 70 cents, in Survey No.452/1 admeasuring 64 cents, in Survey No.452/2 admeasuring 63 cents, in Survey No.454/1 admeasuring 21 cents, in Survey No.454 admeasuring 20 cents, in Survey No.456/1 admeasuring 20 cents, in Survey No.455/3 admeasuring 60 cents, in Survey No.461/1 admeasuring 40 cents and in Survey No.462 admeasuring an extent of 155 cents, and in total extent of 6.07 Acres in the name of the petitioner in the light of the orders in WP.Nos.8658 & 8659 of 2012.

For Petitioner : Mr.N.Ramakrishnan  
for M/s.Waran and Sairams  
(in WP.Nos. 2751 & 2752 of 2018)

For Respondents : Mr.E.Balamurugan  
Additional Government Pleader

#### C O M M O N O R D E R

Mr.E.Balamurugan, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, these main writ petitions are taken up for final disposal at the admission stage themselves.

2. Both these writ petitions are filed by the respective writ petitioners seeking for similar relief. The petitioners seek for direction to the respondents 1 to 3 to issue a "No Objection Certificate" and permit the fourth respondent to mutate the revenue records of the subject matter property.

3. The case of the petitioners in short is as follows:

The petitioners are the owners of the subject matter properties. Proceedings were initiated against the said properties under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act. The petitioners challenged the said proceedings before this Court in WP.Nos.8658 & 8659 of 2012. Both the writ petitions were allowed on 04.03.2016, thereby, quashing the above said proceedings. In view of the

above said order, the subject matter properties stand reverted back to the petitioners and accordingly, they are entitled to get the revenue records mutated in their name. However, the fourth respondent has not mutated the revenue records so far, for want of "No Objection Certificate" from the respondents 1 to 3. Therefore, the petitioners made repeated representations, out of which, last of one was made on 19.06.2017, seeking for mutation of the revenue records. As the said representation has not been considered so far, the present writ petitions are filed before this Court.

4. Heard both sides.

5. The learned counsel for the petitioners submitted that the order passed by this Court in WP.Nos.8658 & 8659 of 2012 on 04.03.2016, have become final and conclusive and no further appeal was filed against those orders. Therefore, it is stated that there cannot be no legal impediment to consider the request of the petitioners.

6. The learned Additional Government Pleader for the respondents submitted that if there is no legal impediment for the respondents to consider the claim of the petitioners, appropriate orders will be passed on merits and in accordance with law, on the representations made by the petitioners dated 19.06.2017.

7. Considering the above stated facts and circumstances and the submissions made by the learned counsel appearing for both parties, this Court is of the view that suffice a direction is issued to the respondents to consider the representation of the petitioners dated 19.06.2017 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the respective petitioners. Accordingly, both the writ petitions are disposed of, by directing the respondents to consider the representation of the petitioners dated 19.06.2017 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing the petitioners, if there is no legal impediment for doing so, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Government of Tamil Nadu  
Rep. by the Secretary of Revenue  
Fort St.George,  
Chennai-600 009.

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

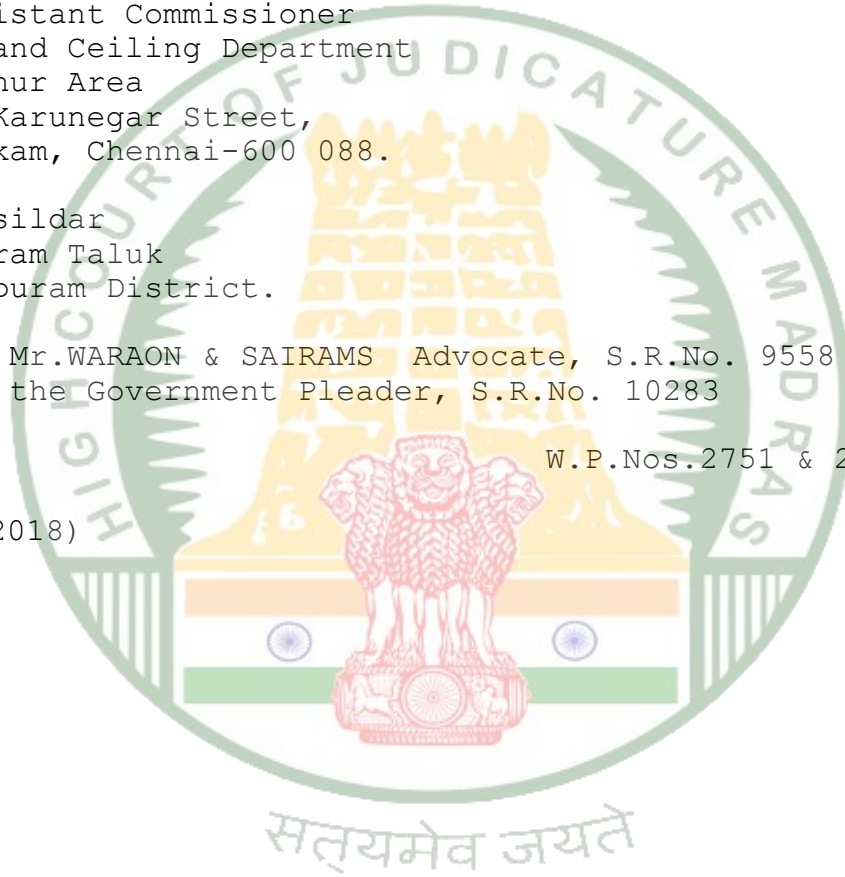
3.The Assistant Commissioner  
Urban Land Ceiling Department  
Kundrathur Area  
No.63, Karunegar Street,  
Adambakkam, Chennai-600 088.

4.The Tahsildar  
Pallavaram Taluk  
Kancheepuram District.

+2cc to Mr.WARAON & SAIRAMS Advocate, S.R.No. 9558 & 9559  
+1cc to the Government Pleader, S.R.No. 10283

W.P.Nos.2751 & 2752 of 2018

TR(22/02/2018)



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