

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19778 of 2007 and
M.P.No.2 of 2007

S.K.Krishnan

... Petitioner

Vs.

1. The Commissioner
Tamil Nadu Urban Land Ceiling
O/o Urban Land Ceiling
Chepauk, Chennai-5.

2. The Assistant Commissioner
Tamil Nadu Urban Land Ceiling
O/o Urban Land Ceiling
No.345, Arcot Road
Kodambakkam, Chennai-24.

3. The Tahsildar
Guindy-Mambalam Taluk
Chennai-78.

4. The Collector
O/o Collectorate
Singaravelar Maligai
Rajaji Salai, Chennai-1.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the proceedings R.C.No.10458/2003 G3, dated 20.10.2003 on the file of the first respondent and to quash the same and to direct the respondents to recognize the petitioner's title and ownership for 14 cents of land morefully described in A, B, C & D in the plan attached in New T.S.No.88, Ekkattuthangal Village in Mambalam-Guindy Taluk, Madras.

For Petitioner : Mr.R.Doraiswamy

For Respondents: Mr.M.Sri Charan Rangarajan
Additional Government Pleader

O R D E R

The learned Additional Government Pleader brought to the notice of this Court that the land in question in this Writ Petition was already allotted in favour of the Tamil Nadu Police Housing Corporation Limited, vide G.O.Ms.No.175 Revenue ULC 1 (2), dated 14.02.1997.

2. Notice under Section 12(6) of the Act was issued by the second respondent, dated 14.06.1995 and thereafter, in the year 1999, the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 itself was repealed and the land was already handed over to the Tamil Nadu Police Housing Corporation Limited.

3. Thus, the present Writ Petition have to be considered for having become infructuous. The said position was clarified by the respondent in their counter affidavit, in paragraph 4, which is extracted hereunder:

"4. The above order was received by the urban land owner on 07.07.1989. After publication of notification under Section 11(1) and 11(3) in the Tamil Nadu Government Gazette dated 22.07.1992 and 14.10.1992 respectively, a notice under section 11(5) was issued on 20.02.1993. It was served on the urban land owner on 21.07.1993. the Deputy Tahsildar working in the Office of the 2nd Respondent herein handed over possession of the Excess vacant land to the Revenue Inspector, Mambalam-Guindy Taluk on 23.03.1995 (i.e.) Revenue Authority. The above land was also allotted to Tamil Nadu Police Housing Corporation Limited vide G.O.Ms.No.175 Revenue ULC 1 (2), dated 14.02.1997. Notice under Section 12(6) of the Act was issued by the second respondent on 14.06.1995 and sent to the urban land owner by R.P.A.D. It was received by one Thiru.C.Parthasarathy on 27.06.1995. After a lapse of 8 years, Thiru.S.K.Krishnan filed a Writ Petition in W.P.No.20866/2003 before the Hon'ble High Court. The Hon'ble High Court in its order dated 28.07.2003 had directed the respondents 1&2, (i.e.) Commissioner, and Assistant Commissioner (ULT) T.Nagar respectively to dispose of the petitioner's representation in accordance with law within a period of 8 weeks from the date of receipt of a copy of the order.

Accordingly, the then Special Commissioner/Commissioner (ULC & ULT), being the 1st respondent herein, in letter dated 20.10.2003 had informed the petitioner that his request to restore the land cannot be complied with, since the land has been acquired and possession of the same was handed over to the Revenue Authorities before the Repeal of the Act. Against the above, the petitioner filed a Writ Petition in W.P.No.36923/2003 and the case is pending in the High Court. Meanwhile, the petitioner has again filed this Writ Petition in W.P.No.19778/2007 with the similar contentions before the Hon'ble High Court."

4. In view of the above submission, no further adjudication needs to be entertained on the grounds raised in this Writ Petition.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Commissioner
Tamil Nadu Urban Land Ceiling
O/o Urban Land Ceiling,Chepauk, Chennai-5.
 2. The Assistant Commissioner
Tamil Nadu Urban Land Ceiling,O/o Urban Land Ceiling
No.345, Arcot Road,Kodambakkam, Chennai-24.
 3. The Tahsildar,Guindy Mambalam Taluk
Chennai-78.
 4. The Collector,O/o Collectorate
Singaravelar Maligai, Rajaji Salai, Chennai-1.
- + 1 cc to MR. Government pleader Sr.9045

W.P.No.19778 of 2007

SKV(CO)

EU(26/03/2018)

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