

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11272 of 2011

1.T.H.Mahalakshmi (deceased)

2.T.H.Venkitambal

3.T.S.Krishnan

4.Ananthalakshmi T.K.

5.Vivek Krishnan

...Petitioners

P3 to P5 substituted as LR's in the place of deceased 1st petitioner as per order dated 14.02.2014 by TRJ in MP.No.1 of 2013 in W.P.No.11272 of 2011.

Versus

1.The Special Commissioner and Commissioner for Land Reforms, Chepuk, Chennai 600 005.

2.The Assistant Commissioner of Urban Land Tax and Competent Authority Urban Land Ceiling Act, No.153, Karnigai Street, Adambakkam, Chennai 600 088.

3.M.Baskar

...Respondents

R3 impleaded as per order dated 09.08.2019 by MDIJ in MP.No.20742 of 2019 in W.P.No.11272 of 2011.

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration, declaring the acquisition proceedings initiated by the respondents under the provisions of the Tamil Nadu Urban Land (Ceiling & Regulations) Act, 1978 in respect of the vacant land comprised in Old S.No.116/2 measuring to an extent of 2300 sq.meter in Patta No.46, situate at 161, Sembakkam Village, Saidapet Taluk (now Tambaram Taluk), Chengalpattu District (now Kancheepuram District) stands abated in view of Sec.4 of the

Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act 1999, namely Act 20 of 1999.

For Petitioner : Mr.S.Srinivasan

For Respondents : Mrs.Narmadha Sampath for RR1 & 2
Additional Advocate General
assisted by
Mrs.K.Bhuvaneswari
Additional Government Pleader.

Mr.Sivakumar D for R3

O R D E R

The writ petition has been filed by the legal heirs of the urban land owner challenging the acquisition proceedings initiated by the respondents under the provisions of the Tamil Nadu Urban Land (Ceiling & Regulations) Act, 1978 in respect of the vacant land comprised in Old S.No.116/2 measuring to an extent of 2300 sq.meter in Patta No.46, situate at 161, Sembakkam Village, Saidapet Taluk (now Tambaram Taluk), Chengalpattu District.

2.An extent of 81 cents situated at 161, Sembakkam Village, Saidapet Talu (now Tambaram Taluk), Chengalpattu District (now Kancheepuram District) in old survey No.116/2 in Patta No.46, originally belongs to one Padma and other and the same was purchased by late T.G.Hariharan, father of the 1st petitioner (since deceased). As per the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, (hereinafter called as 'the Act') the urban land owners were asked to submit returns with the competent authority. Accordingly, the petitioner's father also submitted the statement for the vacant land to the total extent of 3300 square meters owned by him. The said T.G.Hariharan died on 13.02.1980 leaving his wife, daughter and son as his legal heirs. His son also died on 01.11.1989 in an accident leaving his widow wife as his legal heir and the wife of T.G.Hariharan also died on 23.04.1993. While being so, the 2nd respondent published a draft statement under Section 9(1) of the Act on 03.06.1982 for the acquisition of alleged excess vacant land of 2650 sq.meters comprised in the above said survey number and allowed 1000 sq.meters as retainable land holdings and also included an extent of 9 cents (350 sq.meters) owned by the adjacent owner viz., U.K.Saroja. A notification was published in the Gazettee on 20.07.1983, treating an extent of 2650 sq.meters as surplus land. Aggrieved against such acquisition proceedings, the present writ petition has been filed.

3.Heard both sides.

4.Mrs.Narmadha Sampath, learned Additional Advocate General appearing for the respondent 1 and 2 submitted that one M.Baskar, who is one of the subsequent purchaser of the subject property has filed a writ petition in W.P.No.8679 of 2009, challenging the very same acquisition proceedings and the same was allowed on 03.11.2017.

5.In view of the above submission made by the learned Additional Advocate General appearing for respondent 1 and 2, challenging the very same proceedings, the petitioners filing the present writ petition is unsustainable. Accordingly, this writ petition stands closed. However, liberty is granted to the petitioners to work out their remedy before the competent court in the manner known to law. However, the other issues are left open in between the parties. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

- 1.The Special Commissioner and
Commissioner for Land Reforms,
Chepuk, Chennai 600 005.
- 2.The Assistant Commissioner of Urban
Land Tax and Competent Authority
Urban Land Ceiling Act,
No.153, Karnigai Street, Adambakkam,
Chennai 600 088.

- +1 CC to Govt. Pleader sr 68924.
+1 CC to Mr.S.Srinivasan, Advocate sr 68998.
+2 Ccs to Mr.D. Sivakumar, Advocate sr 68547.

W.P.No.11272 of 2011

SP(10/09/2019)