

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.10386 of 2009

M/s. Padma Mines and
Mineral Corporation,
represented by its Partner,
Mr. S. Srinivasan,
S/o. Somasundaram,
No.2/493 Mambakkam Road,
Medavakkam, Chennai- 601 302.

..Petitioner

Vs.

1. The Principal Secretary/
Commissioner of Land Reforms,
Office of the Director of
Urban Land Ceiling &
Urban Land Tax,Chepauk,
Chennai- 600 005.

2. The Assistant Commissioner/
Competent Authority,
Urban Land Tax, Alandur,
Chennai- 600 088.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of certiorari or
any other appropriate writ, order or direction in the nature of
writ to call for the entire records relating to the impugned
order dated 05.02.2009 made in R.C.No.8088/2006/G2 passed by the
first respondent herein.

For Petitioner : Mr. A. Ramu

For Respondents : Mr. J. Ramesh,

Addl.Govt.Pleader

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O R D E R

The learned counsel for the petitioner submitted that the petitioner's lands were acquired under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 in the year 1987. Though the possession was not taken in the manner known to law, however, the said Act was repealed on 16.06.1999 by Repeal Act 20 of 1999. Considering the position that the respondent passed order stating that the entire Urban Land proceedings are abated. In view of the amendment Act without giving any opportunity, the other officer who subsequently occupied the posts of the first respondent has cancelled the earlier order. Challenging the same, the present Writ Petition is filed.

2. Heard Mr. A. Ramu, learned counsel for the petitioner and Mr.J.Ramesh, Additional Government Pleader, learned counsel for the respondents.

3. Both the counsel agreed that the impugned order was passed without giving any opportunity to the petitioner. In view of the above violation of the principles of natural justice, I am inclined to set aside the impugned order passed by the Officer, accordingly impugned order is set aside and liberty is granted to the respondent to proceed the matter in accordance with law after following the procedure contemplated under the Act and principles of natural justice. Writ Petition is allowed in the above terms. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary,
Commissioner of Land Reforms,
Office of the Director of
Urban Land Ceiling and Urban Land Tax,
Chennai- 600 005.

2. The Assistant Commissioner/Competent Authority,
Urban Land Tax, Alandur,
Chennai- 600 088.

+1 cc to M/s.M.Ramu, Advocate Sr.No. 57635

+1 cc to The Government Pleader Sr.No.58032

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CP (CO)
AKM/13.08.19

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