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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. 49933 of 2006

and

M.P. 3 of 2006 & M.P. 1 of 2008

1. T.Balasubramanian
2. K.Sivagami
3. S.Balasubramaniyam
4. S.Jayalakshmi
5. K.Subramaniyam

Petitioners 1 to 5 above
are represented by their
Power Agent Mr.K.K.Shanmugam

... Petitioners

Versus

1. The Special Commissioner
and Commissioner for Urban
Land Tax and Urban Land Ceiling,
Chepauk,
Chennai-600 005.
2. The Assistant Commissioner,
(Urban Land Tax and Urban Land
Ceiling), Collector Office Compound,
Coimbatore-1.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent dated 11.11.1986 and the proceedings of the 1st respondent dated 07.02.2006 and quash the same as illegal and without jurisdiction in so far it relates to the inclusion of petitioners land in SF.No.7/3, Saravanampatty Village, Coimbatore Taluk and District measuring an extent of 23 $\frac{3}{4}$ cents and further to direct the respondents to effect necessary corrections or notifications in the revenue records.

For Petitioner

: Mr.G.Nagarajan

For Respondent

: Mr.J.Ramesh,

Addl. Government Pleader



ORDER

This Writ Petition has been filed challenging the impugned order issued by the 2nd respondent dated 07.02.2006 and quash the same as illegal and without jurisdiction in so far it relates to the inclusion of petitioners land in SF No.7/3, Saravanampatty Village, Coimbatore Taluk and District measuring an extent of 23 $\frac{3}{4}$ cents and further to direct the respondents to effect necessary corrections or notifications in the revenue records.

2. The case of the petitioner is as follows :-

The petitioners are the permanent residents of Coimbatore and an extent of 9.54 acres comprised in Survey No.7/3, new 7/3 B2, Saravanampatty Village, Coimbatore Taluk was originally owned by late Sundara Swamigal of Gowmara Madalayam, Chinnavedanpatty. The said Sundara Swamigal had prepared an unapproved layout named as "Deiveeka Nagar" and sold 154 plots in favour of third parties inclusive of the petitioners herein on various small extents such as 4 cents, 5 cents, etc. right from the beginning of 1976 from the formation of unapproved layout. Actually, the 1st petitioner T.Balasubramanian has purchased an extent of 4 cents, in S.F.No.7/3 now 7/3B2 vide registered Sale deed dated 17.06.1976 and registered as document No.1440/1976 at the Sub-Registrar Office, Gandhipuram, the 2nd petitioner K.Sivagami has purchased an extent of 5.1/4 cents, in S.F.No.7/3 now 7/3B2 vide registered Sale deed dated 03.05.1976 and registered as document No.1066/1976 at the Sub-Registrar Office, Gandhipuram, the 3rd petitioner S.Balasubramaniam has purchased an extent of 4 cents, in S.F.No.7/3 now 7/3B2 vide registered Sale deed dated 03.05.1976 and registered as document No.1067/1976 at the Sub-Registrar Office, Gandhipuram, the 4th petitioner Mrs.Jayalakshmi has purchased an extent of 4 cents, in S.F.No.7/3 now 7/3B2 vide registered Sale deed dated 31.07.1976 (with pending No.212/76) and registered as document No.3076/1976 at the Sub-Registrar Office, Gandhipuram, and the 5th petitioner K.Subramaniam has purchased an extent of 4 cents, in S.F.No.7/3 now 7/3B2 vide registered Sale deed dated 17.07.1976 and registered as document No.1719/1976 at the Sub-Registrar Office, Gandhipuram at Saravanampatty Village, Coimbatore Taluk and District respectively. It is an admitted fact that the Assistant Commissioner of Urban Land Tax and Urban Land Ceiling, Coimbatore having found that all these plots were sold prior to the commencement of the Act and different individual owners are in possession and enjoying the lands in question right from the year 1976 onwards. However, the Urban land Ceiling Act was introduced in the year 1978 and the proceedings was initiated by the 1st respondent against the original owner and passed a G.O.Ms.No.143 assigning the aforesaid lands as surplus lands. Challenging the above G.O., the present Writ Petition has been filed.



3. The Deputy Secretary to Government has filed a counter affidavit dated 05.07.2013, in paras 5 and 6 specifically stated as follows :-

"5. It is submitted that accordingly a report was sent to Government in Principal Commissioner & Commissioner of Land Reforms, letter dated 25.07.2001 and further report on 05.02.2002, 16.05.2002 and 02.06.2005. At the time of recommendation for allotment, no case was pending. The Government in G.O.(Ms) No.143/Revenue Urban Land Ceiling 1(2) department, dated 11.03.2008 have allotted an extent of 10300 sq.mts. of excess vacant land to Tamil Nadu State Marketing Corporation Limited on collection of single market value/single guideline value. Against the above order, the petitioners have filed this Writ Petition. The writ petitioners (except serial No.4) have purchased the plots in the case land 7/3B2 before the implementation of the Act (i.e.) 03.08.1976 as mentioned below :-

Sl. No.	Writ Petitioner	Plot No.	Extent in (cent)	Doc. No.	Date
1.	T.Balasubramanian	133	4	1440	18.06.1976
2.	K.Sivakami	99	5 1/4	1066	03.05.1976
3.	S.Balasubramaniyam	98	6	1067	03.05.1976
4.	Jayalakshmi	28	4	3076	15.10.1976
5.	K.Subramaniyam	23	4	1719	19.07.1976

6. It is submitted that except Tmt. Jayalakshmi, all the four writ petitioners have purchased the plots before 03.08.1976 from the power of attorney Thiru Dakshinamoorthy and Ranganathan of the urban land owner in an unapproved layout known as Deiveega Nagar."

4. In the above said paragraphs, they have specifically stated that prior to the introduction of the Act, the petitioners have purchased the lands and the respondents have also admitted the fact that their lands were not taken for acquisition proceedings arriving as excess lands. In view of the categorical stand taken by the respondents that the petitioners' lands are not acquired under the Urban Land Ceiling proceedings



as excess lands, the statement is recorded and no further adjudication is necessary in this Writ Petition. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Commissioner
and Commissioner for Urban
Land Tax and Urban Land Ceiling,
Chepauk,
Chennai-600 005.
2. The Assistant Commissioner,
(Urban Land Tax and Urban Land
Ceiling), Collector Office Compound,
Coimbatore-1.

+1cc to Mr.G.Nagarajan, Advocate sr.47862

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sv(co)
nr 20/08/2019