

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.03.2019

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No. 27923 of 2004

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W.M.P.No. 33942 of 2004

M/s. Keyaram Hotels Pvt. Ltd.,
Rep. By its Director,
No.2, Harrington Road, Chetput,
Chennai - 600 031.

...Petitioner

Vs.

1. The Government of Tamilnadu,
Rep. By its Revenue Department,
Fort St.George, Chennai - 600 009.

2. The Assistant Commissioner,
Urban Land Tax,
Tondiarpet - Egmore Zone,
409, EVR Periyar Salai, Amijikarai,
Chennai - 600 029.

...Respondents

Prayer: Memonrandum of Writ of Certiorarified Mandamus filed Under Article 226 of the Constitution of India praying to call for records relating to the proceedings of the order dated 30.08.2004 in reference No. NA.KA No.A/898/2002 on the file of the second respondent and quash the same.

For Petitioner : Mr. V.Ramesh for
Mr.P.Rathinadurai

For Respondents : Mrs.K.Bhuvaneswari,
Additional Government Pleader.

O R D E R

The order under challenge in the present writ petition is to an order passed by the second respondent dated 30.08.2004 under Sec. 9 (5) of the Tamil Nadu Urban Land Ceiling and Regulation Act.

2. Today when the matter was called, the learned counsel for the respondents had filed a status report whereby, they had stated that the subject lands comprised in Survey No.355/1 of Egmore Village, Block No.20 measuring 13,506 sq.mts. were not acquired as on date of repeal act i.e., 16.06.1999. Subsequently, the government had issued G.O.Ms.No.111/Revenue [ULC 1(1)] department dated 03.03.2007 whereby, it was clarified that all actions taken under sub-section(2) of Section. 21 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Tamil Nadu Act 24 of 1978) shall stand abated and further actions be dropped. As such, the order passed under Sec.9(5) of Tamil Nadu Urban Land (Ceiling and Regulation Act) cannot be sustained.

3. For the foregoing reasons, the order of the second respondent in No. NA.KA No.A/898/2002 dated 30.08.2004 is quashed. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Revenue Department,
Fort St.George, Chennai - 600 009.
2. The Assistant Commissioner,
Urban Land Tax,
Tondiarpet - Egmore Zone,
409, EVR Periyar Salai, Amijikarai,
Chennai - 600 029.

+1 cc to M/s.P.Rathinadurai, Advocate, S.R.No.20770

+1 cc to the Government Pleader, S.R.No.21451

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KAN(CO)
SSM(09/04/2019).