

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.33176 and 38598 of 2004
and WP.MP.Nos.40104 and 46133 of 2004

M/s.Ishwaryalakshmi Properties Pvt. Ltd.,
Rep. by its Director,
D.L.Madhusudhanan ... Petitioner in W.P.No.33176 of 2004

M/s.V.K.Murthy Brick Works,
Rep. by its Partner,
V.K.Murthy (deceased)

1. V.K.Narendra

2. V.K.Chandrasekar

3. V.K.Kumar

4. V.K.Ashok ... Petitioners in W.P.No.38598 of 2004

[P1 to P4 substituted as per the order
of this Court dated 22.03.2019 in
WMP.No.8859 of 2019 in WP.No.38598 of 2004]

Vs.

1. The Government of Tamil Nadu,
Rep. by its Commissioner and Secretary,
Revenue Department,
Fort St. George, Chennai 600 009.

2. The Commissioner for Land Reforms,
Ezhilagam, Chepauk,
Chennai 600 005.

3. The Director of Urban Land Ceiling,
Ezhilagam, Chepauk,
Chennai 600 005.

4. The Assistant Commissioner of Urban Land,
Ambattur at Poonamallee,
Chennai 600 056.

... Respondents in W.P.No.33176 of 2004

1. State of Tamil Nadu,
Rep. by the Secretary to Government,
Revenue Department Fort St. George,
Chennai 600 009.
2. Special Commissioner for Land Reforms,
Chepauk, Chennai 600 005.
3. The Director of Urban Land Ceiling,
Ezhilagam,
Chepauk,
Chennai 600 005.
4. Assistant Commissioner (ULC),
Ambattur at Poonamallee,
Chennai 600 056.

...Respondents in W.P.No.38598 of 2004

Prayer in W.P.No.33176 of 2004: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the first respondent relating to the notice issued by them, bearing No.36989/NNU/2-1/2004-2, dated 01.11.2004 and quash the same.

Prayer in W.P.No.38598 of 2004: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the notice issued by the first respondent, bearing No.36989/ulc/2-1/2004-2, dated 1.11.2004 and quash the same.

For Petitioners : Mr.V.Ramesh,
(in both the petitions)for M/s.R.Maheswari

For Respondents : Mrs.K.Bhuvaneswari, AGP
(in both the petitions)

COMMON ORDER

These Writ Petitions have been filed against the action taken to acquire the excess vacant land against the order of withdrawal of exemption.

2. Today, when the matter is heard, the learned Additional Government Pleader appearing for the respondents filed counter affidavits dated 21.03.2019, wherein they had clarified that the Government by its letter No.392, Revenue Department, dated 24.07.2007 has given a clarification to G.O.Ms.No.111, Revenue

ULC II(1) Department, dated 03.03.2007, wherein it has been stated that in respect of the cases where urban land owners filed Writ Petition against the orders of withdrawal of exemption and the action taken to acquire the the excess vacant land, which are pending in the High Court of Madras, further action in those cases has to be dropped.

3. It is further stated in the counter affidavits that since the prayer sought for in the Writ Petitions have been met in G.O.Ms.No.111, Revenue ULC II(1) Department, dated 03.03.2007, the Writ Petitions may be disposed of.

4. In the light of the G.O.111, dated 03.03.2007, the present impugned orders cannot be sustained. Accordingly, the Writ Petitions stand allowed. Consequently, the impugned orders dated 01.11.2004 in Nos.36989/NNU/2-1/2004-2 and 36989/ulc/2-1/2004-2 are quashed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

pvs
To

1. Commissioner and Secretary,
The Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai 600 009.

2. The Commissioner for Land Reforms,
Ezhilagam,
Chepauk,
Chennai 600 005.

3. The Director of Urban Land Ceiling,
Ezhilagam,
Chepauk,
Chennai 600 005.

4. The Assistant Commissioner of Urban Land,
Ambattur at Poonamallee,
Chennai 600 056.

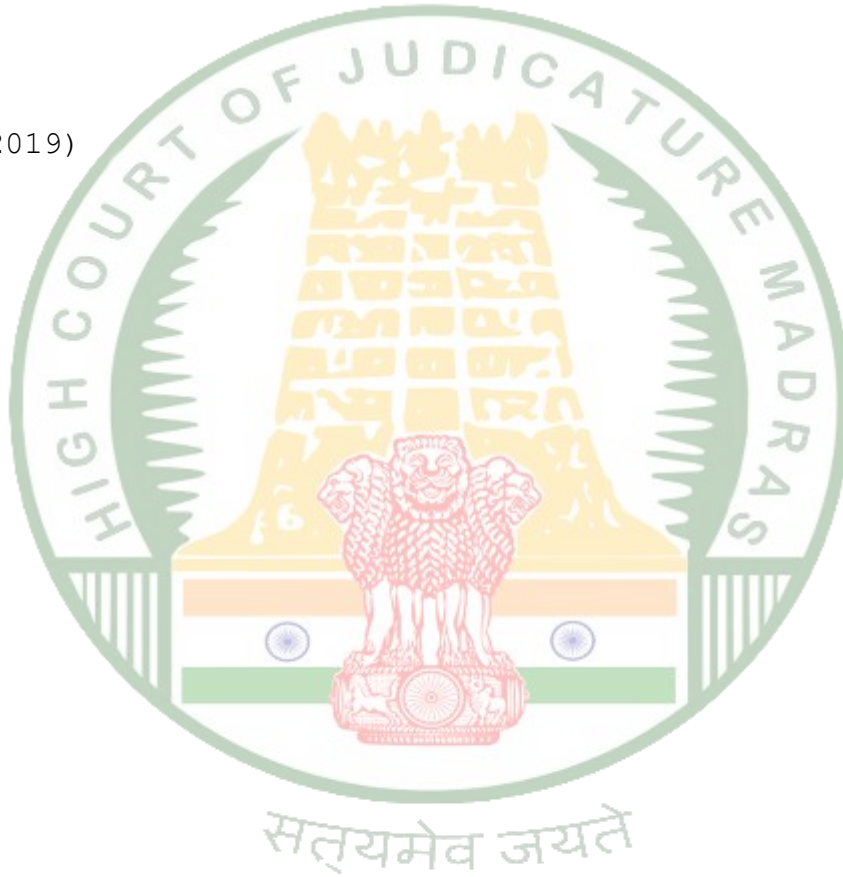
5. Special Commissioner for Land Reforms,
Chepauk, Chennai 600 005.

+1 CC to Govt. Pleader sr 28034.

+1 CC to Ms.R.Maheswari, Advocate sr 27534.

W.P.Nos.33176 and
38598 of 2004

SP(22/04/2019)



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