

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.37396 of 2004
and
WMP.No.44879 of 2004

Bharani Pictures,
a registered firm
rep. by partner,
22, Arcot Road,
Saligramam,
Chennai 600 093.

.... Petitioner

Vs.

1. State of Tamilnadu,
Rep. by Secretary to Government,
Revenue Department,
Fort St. George,
Chennai 9.

2. The Competent Authority,
Urban Land Ceiling,
Egmore-Nungambakkam Taluk,
136, Arcot Road, Kodambakkam,
Chennai 600 024.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records in G.O.Ms.No.177, dated 22.04.2003 on the file of the 1st respondent and quash the same as illegal, arbitrary and without jurisdiction and consequently forbearing the respondents from in any manner disturbing the petitioner's lawful possession and enjoyment of the land together with the buildings in S.Nos.194/1A1A, 213/1A1, 2323.776 sq. metres, Saligramam Village.

For Petitioner : Mr.P.B.Ramanujam

For Respondents : Mr.S.Suresh Kumar, G.A.

O R D E R

This petition has been filed to quash the Government Order in G.O.Ms.No.177, dated 22.04.2003 on the file of the 1st respondent and consequently forbear the respondents from in any manner disturbing the petitioner's lawful possession and enjoyment of the land together with the buildings in S.Nos.194/1A1A, 213/1A1, 2323.776 sq. metres, Saligramam Village.

2. The order under challenge in the present Writ Petition is to the Government Order issued in G.O.Ms.No.177, Revenue ULC 2 (2) Department, dated 22.04.2003 withdrawing the exemption granted to the petitioner's urban land. Apparently, the order of withdrawal is subsequent to the repeal of the Tamil Nadu Urban Land (Ceiling and Regulation) Act.

3. 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 Subsection (2) of Section 21 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act stands abated and further actions to be dropped. As such, the present impugned order withdrawing the exemption cannot be sustained in view of the Repeal Act and as ratified by the Government in the G.O.Ms.No.111, dated 03.03.2007, the impugned order in G.O.Ms.No.177, Revenue ULC 2(2) Department, dated 22.04.2003 is quashed. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

pvs

To

1. Secretary to Government,
State of Tamilnadu,
Revenue Department,
Fort St. George, Chennai 9.

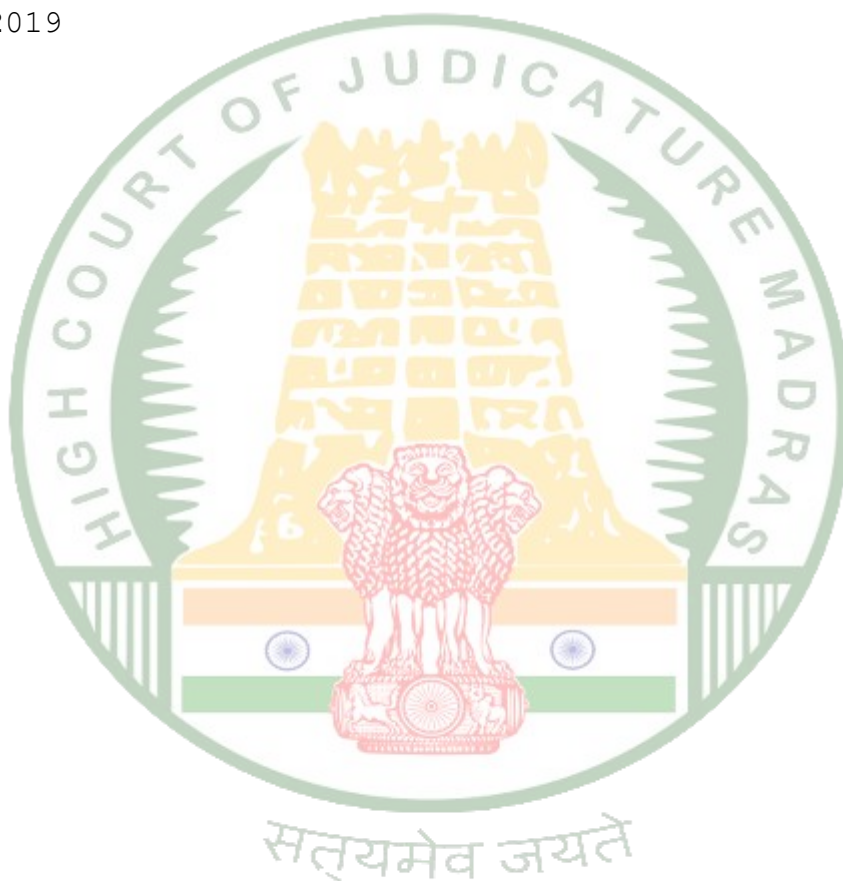
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2. The Competent Authority,
Urban Land Ceiling,
Egmore-Nungambakkam Taluk, Kodambakkam,
136, Arcot Road, Chennai 600 024.

+1cc to Mr.P.B.Ramanujam, Advocate sr.37546

W.P.No.37396 of 2004

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nr 24/06/2019



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