

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.03.2019

CORAM

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

W.P.No. 29839 of 2005

&

W.M.P.No. 32701 of 2005

Selvi. Chandralekha,
No.1, Elliots Beach Road,
Besant Nagar, Chennai - 600 090.

...Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. By its Secretary,
Revenue Department, Fort. St.George,
Chennai - 600 009.

2. The Principal Commissioner and
Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.

3. The Competent Authority,
Urban Land Ceiling / The Assistant
Commissioner, ULT, (Mylapore),
No.345, Arcot Road, Kodambakkam,
Chennai - 600 024.

...Respondents

Prayer: Memonrandum of Writ of Certiorarified Mandamus filed Under Article 226 of the Constitution of India to calling for the records of the respondents, especially that of the first respondent in G.O.Ms.No.356 dated 29.07.2004 and quash the same and further directing the respondents to treat all proceedings as abated in respect of land in S.No.46 of Block No.16, Urur Village under Section 4 of the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act 20 of 1999.

For Petitioner	:	Mr. V.Ramesh
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. The G.O.Ms.No.111/Revenue [ULC(1)] Department dated 30.03.2007 have passed orders clarified that all actions taken under Principal Act after the commencement of the Repeal Act shall stands abated and further actions be dropped.

3. In the instant case, the exemption granted to the petitioner over the subject lands in RS.No.17/2012, Urur Village, measuring 18 grounds and 278 sq.ft. was withdrawn and the action under Section.9(1) was not completed before the repeal act i.e., on or before 16.06.1999. Such a statement has also been made in the counter affidavit filed by the respondents before this Court dated 04.10.2018.

4. Recording the statement made in the counter affidavit, this writ petition stands allowed. Consequently, the orders of the first respondent in Government letter No.356 dated 29.07.2004 is quashed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

kkn
To Sub Assistant Registrar

1. The Secretary,
Revenue Department, Fort. St.George,
Chennai - 600 009.
2. The Principal Commissioner and
Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.
3. The Competent Authority,
Urban Land Ceiling / The Assistant
Commissioner, ULT, (Mylapore),
No.345, Arcot Road, Kodambakkam,
Chennai - 600 024.

+1 cc to the Government Pleader, S.R.No.22038

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