

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.4860 of 2019

1.S.Sreekantan Nair

2.V.R.Ashalatha

W/o.S.Sreekantan Nair

3.A.S.Bharat Sree

S/o.S.Sreekantan Nair

4.A.S.Vaisakh Sree

S/o.S.Sreekantan Nair

(Cause title amended as vide order dt.28/02/19 made in
WMP.6553/19 in WP.4860/19

... Petitioners

Versus

1.The Special Commissioner,
Urban Land Ceiling and Urban Land Tax,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The Assistant Commissioner,
Urban Land Tax, Tambaram,
No.153, Karuneegar Street,
Adambakkam, Chennai-600 088.

3.The Tahsildar,
Tambaram Taluk,
Chennai-600 045.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus directing the 1st respondent to consider our representation dated 31.01.2019 for regularizing the land comprised in Survey No.9/2A part 0.47 cents , and survey No.6/2B Part-0.70 cents situated at Tambaram Village, Tambaram Taluk, Kancheepuram District within the time stipulated.

(Prayer amended vide order dt.28.02.19 made in WMP.6557/19 in WP.4860/19)

For Petitioner : Mr.P.V.Balasubramanian
for M/s.B.Sharmila

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

2. The petitioner has purchased the subject property after paying due sale consideration and verifying encumbrance issued by the authority. Now, it is brought to the notice that the property has been taken over by the Government under the Urban Land Ceiling Act and transfer of patta and the same has been rejected. The rejection order of the second respondent dated 08.01.2019 is enclosed along with the typed set of papers and it is contended by the learned counsel that by the said order, the second respondent rejected the request of the petitioner without assigning any reason and without appreciating any Government orders regarding excluding the Urban Land Ceiling Act.

3. It is further contended by the learned counsel that on receipt of rejection order passed by the second respondent dated 08.01.2019, the petitioner has preferred an appeal to the first respondent on 30.01.2019 and till date the first respondent has not passed any order.

3. In the counter filed by the second respondent the reason for rejecting the request is elaborately stated. Since the petitioner has now approached the First Appellate Authority vide appeal dated 31.01.2019, this Court is not intend to advert into the merits of the counter filed by the second respondent.

4. It is suffice to direct the first respondent to consider the appeal of the petitioner dated 31.01.2019 and pass appropriate orders in accordance with law and on merits within a period of four weeks from the date of receipt of copy of this order.

5. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Special Commissioner,
Urban Land Ceiling and Urban Land Tax,
Ezhilagam, Chepauk,
Chennai-600 005.
- 2.The Assistant Commissioner,
Urban Land Tax, Tambaram,
No.153, Karuneegar Street,
Adambakkam, Chennai-600 088.
- 3.The Tahsildar,
Tambaram Taluk,
Chennai-600 045.

+2cc to M/s.B.Sharmila, Advocate sr.50360
+1cc to Government Pleader sr.51231

W.P.No.4860 of 2019

rv(co)
nr 22/07/2019

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