



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.27773 of 2019

1. Mrs.Mumtaz Bivi,
W/o.Late E.A.Kareem,
2. Mr.A.K.Manzoor,
S/o.Late E.A.Kareem,
3. Mrs.Noor Bivi,
D/o.Late E.A.Kareem,
4. Mr.A.K.Naser,
S/o.Late E.A.Kareem,
5. Mrs.Fathima Bivi,
D/o.Late E.A.Kareem,
6. Mrs.Shamshad Bivi,
D/o.Late E.A.Kareem,
7. Mrs.Shajara Bivi,
D/o.Late E.A.Kareem,
8. Mr.A.K.Rahim,
S/o.Late E.A.Kareem,
All C/o.Mr.P.Raju,
S/o.M.K.Prabakaran,
No.1076 - B, Shenaglaya,
T.V.S.Colony,
West Anna Nagar Extension,
Chennai - 600 101.

... Petitioners

/versus/

1. The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Special Commissioner and Commissioner
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai - 600 005.



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3. The Assistant Commissioner,
for Urban Land Tax,
Tambaram at
Alandur,
Chennai - 600 088.

4. The Tahsildar,
Tambaram Taluk,
at Tambaram,
Kancheepuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents 1 to 3 to issue direction to the 4th respondent to change the revenue records in respect of the land comprised in paimash No.413/2, New Survey No.342/4 to an extent of 0.39 Acres and new Survey No.342/4 Part as per Patta Survey No.342/4-B to an extent of 0.39 Acre in all totalling of 0.78 Acres situated at Kilakattalai Village, Tambaram Taluk, Kancheepuram District, based on the representation sent by the Petitioners on 16.08.2019.

For Petitioner : Mr.A.Ramu,

For R1 to R4 : Mr.K.Ravi Kumar,
Additional Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for the 1 to 4 Respondents.

2. Affidavit of the petitioner and the counter affidavit of the 3rd respondent perused.

3. The petitioners are legal heirs of the deceased E.A.Kareem. Earlier the land held by E.A.Kareem and others was subjected to Urban and Land Ceiling Act, 1978. Hence, Writ Petition was filed challenging the action initiated under Urban and Land Ceiling Act, on the ground that, the proceedings has been abated in view of Section 4 of the Repeal Act. This was accepted and Writ Petition was allowed and Writ Appeal filed by the Government was also dismissed. While so, their request for mutation of revenue records not considered by the respondents.

4. The main contention raised by the Legal heirs of E.A.Kareem was that, the proceedings under the Urban and Land Ceiling Act was initiated against the death person. Possession was not taken pursuant to the land ceiling proceedings.



Meanwhile, the Urban Land Ceiling Act itself was repealed. Hence, the proceedings initiated against E.A.Kareem got abated. Convinced by the submission, this Court in W.P.No.13909 of 2019, vide order dated 13.09.2011, allowed the Writ Petition filed by Legal heirs of E.A.Kareem. The state has preferred appeal before the Division Bench in W.A.No.1760 of 2013 was dismissed on 19.11.2014 thereafter, the petitioners herein gave representation on 06.08.2019 to mutate the revenue records with respect to the land comprising in paimash No.413/2, New Survey No.342/4 to an extent of 0.39 acres and new survey No.342/4 Part as per Patta Survey No.342/4-B to an extent of 0.39 Acres in all totalling of 0.78 acres situated at Keelkattalia Village, Tambaram Taluk, Kancheepuram. Since the said representation was not considered and kept pending on the file of the respondents, the present Writ Petition is filed to dispose of the representation seeking mutation of revenue records in tune with the order passed by the Division Bench of this Court.

5. The 3rd respondent has filed counter, wherein, the orders of the High Court in Writ Petition holding the land Ceiling proceedings abated is admitted and it is also stated that, against the dismissal of the appeal preferred by the state in W.A.No.1760 of 2013, the learned Special Government Pleader has opined that is it not a fit case to prefer Special Leave Petition. Hence, the request of the petitioners to mutate the Revenue records have been taken up for consideration and appropriate orders will be passed as per law. At present, the representation of the petitioners have been forwarded to the Secretary to Government, Revenue Department, who is the 1st respondent herein and further action will be taken as per direction of the Government.

6. In the light of the above, as stated by the 3rd respondent in the counter affidavit, it is suffice to direct the 3rd respondent/Assistant Commissioner, Urban and Land Tax, to expedite the proposal pending with the Government and appropriate orders be passed, on the representation of the petitioner, dated 16.08.2019, within a period of 12 weeks, from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

bsm



To,

1. The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 009.
2. The Special Commissioner and Commissioner
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai - 600 005.
3. The Assistant Commissioner,
for Urban Land Tax,
Tambaram at Alandur,
Chennai - 600 088.
4. The Tahsildar, Tambaram Taluk,
Kancheepuram District.

+1cc to Mr.A.Ramu, Advocate SR.98616/19
+1cc to the Government Pleader SR.98956/19

W.P.No.27773 of 2019

NR(CO)
CB(19/12/2019)