



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.06.2019
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD) Nos.364 of 2019 & 25438 of 2018

W.A.D.Thompson,
Rep. by Power of Attorney Agent,
S.A.F.Ahamed Gnaniyar

... Petitioner in W.P. (MD) No.364/2019

1. G.D. Durairaj,
2. Dr.Kalaivani,
3. G.D.Thangam,

4. G.D. Lingam, ... Petitioners in W.P. (MD) No.25438/2018

-Vs-

1. The Secretary to Government,
Revenue [urban Land Ceiling] Department,
Chepauk, Chennai.

2. The Principal Secretary/ Commissioner of
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai.

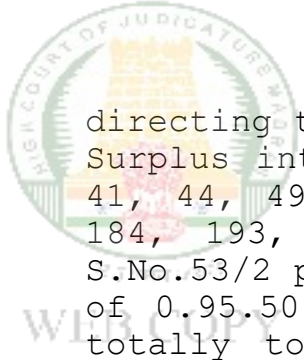
3. The Assistant Commissioner
(Urban Land Ceiling),
Tirunelveli,
Presently Office Shifted to
O/o the Assistant Commissioner,
Urban Land Tax, Madurai.

4. The Tahsildar,
Palayamkottai Taluk,
Tirunelveli-1.

... Respondents in both W.Ps.

Prayer in W.P. (MD) No.364/2019 : Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to convert the classification of land from Surplus into Patta land in respect of the land to an extent of western 15 cents on the northern side out of total extent of 10.18 acres situated in S.No.26 at Melapalayam Village, Tirunelveli District and issue patta in pursuant to the order passed in W.P.No.3998/12 and W.P.No.6444/2013 dated 18-02-14.

Prayer in W.P. (MD) No.25438/2018: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus,



directing the respondents to convert the classification of land from Surplus into Patta land in respect of housing Plot Nos. 3, 18, 21, 41, 44, 49, 64, 68, 104, 106, 107, 125, 129, 157, 169, 180, 181, 184, 193, 198, 199, 209 and 236 at Arjuna Nagar comprised in S.No.53/2 pt to an extent of 0.52.00 hectare, S.No.54/2 to an extent of 0.95.50 hectare and S.No.55/pt to an extent of 0.93.00 hectare totally to an extent of 2.40.50 hectare situated at Melapalayam Village, Tirunelveli District and issue patta in pursuant to the order passed in W.P.No.621/2013 dated 18.02.2014.

(In both W.Ps)

For Petitioners : Mr.H.Arumugam

For Respondents : Mr.M.Rajarajan, GA

COMMON ORDER

With regard to grant of patta for the petitioners' land, all the writ petitioners in both the writ petitions have already approached this Court by filing writ petitions in W.P.(MD) Nos.3998 of 2012, 621, 6332 and 6444 of 2013. Those writ petitions had been decided on merits by this Court, by a common order dated 18.02.2014, where, the learned Judge of this Court has passed the following order:

"8. In the light of the above said two pronouncements, this Court is of the view that these Writ Petitions will have to be allowed. Accordingly, W.P.(MD)Nos.3998 of 2012, 6332 and 6444 of 2013 are allowed and consequently, a direction is issued to the respondent No1 to pass appropriate orders on the request of the petitioners concerned regarding the issuance of patta. While passing such orders, the said authority shall not reject the request of the petitioners on the ground that the lands have been vested with the Government, under the Act, within a period of eight weeks from the date of receipt of a copy of this order. Insofar as W.P.[MD].No.621 of 2013 is concerned, the respondent No.2 is directed to consider the representation of the petitioner, dated 09.08.2011, for mutation of patta and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order, in the light of the discussion made above. No costs. Consequently, connected Miscellaneous Petitions are closed."

2.The learned counsel appearing for the petitioner submits that as against the said order passed by the learned Judge, writ appeals were filed in W.A.(MD) Nos.511 to 521 of 2019 along with some connected writ petitions belatedly only in the year 2019 and the same were dismissed by a Division Bench of this Court vide order dated 12.06.2019.



3.The learned Government Advocate appearing for the respondents submits that, in view of the pendency of the writ appeals, till 12.06.2019, the order passed by this Court in the earlier round of litigation made on 18.02.2014 were not complied with by the respondents and now, those writ appeals since have been dismissed, the respondents would comply the order passed by this Court dated 18.02.2014.

4.In view of the said development, as these writ petitions, as second round of litigation, have been filed by the very same petitioners, now quietus has been given to the issue, there is no scope for any second round of litigation for issuance of mandamus as has been sought for in these two writ petitions.

5.Therefore, in view of the said developments, the earlier order passed by this Court dated 18.02.2014 has become final and this factor also has been accepted by the respondents side, hence the respondents shall take into consideration of the aforesaid developments pass orders on merits and in accordance with law at the earliest. In case, there is any delay in complying with the order, it is open to the petitioners to workout their remedy in the manner known to law, with regard to the compliance of the orders of this Court.

6.With this observation, these writ petitions are dismissed as no separate orders are necessary as has been prayed for in these writ petitions. No costs.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Revenue [urban Land Ceiling] Department,
Chepauk, Chennai.
- 2.The Principal Secretary/ Commissioner of
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai.
- 3.The Assistant Commissioner
(Urban Land Ceiling),
Tirunelveli,
Presently Office Shifted to
O/o the Assistant Commissioner,
Urban Land Tax, Madurai.



4. The Tahsildar,
Palayamkottai Taluk,
Tirunelveli-1.

+1 CC to SPL GP (SR-69445[F] dated 18/06/2019)

+2 CC to Mr.H.ARUMUGAM, Advocate SR-69499,69498

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Order made in
W.P. (MD) Nos.364 of 2019 & 25438 of 2018
Dated:**17.06.2019**

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MK (27.06.2019) 4P 8C