

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.13184 of 2020
and
WMP Nos.16311 and 16312 of 2020

S.Raghunathan

...Petitioner

.Vs.

1. The State of Tamil Nadu
Rep. by the Secretary
Department of Revenue Administration
Fort.St.George, Chennai-9
2. The Assistant Commisisoner (ULT)
Egmore Zone
No 409, EVR Periyar High Road
Aminjikarai, Chennai-29.
3. The Sub Registrar
Konnur, Chennai-49.
4. The Tahsildar
Ayanavaram Taluk
Chennai-23.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent vide Impugned letter in RC 255/13/A dated 19.8.2013, quash the same and further direct the respondents not to take the Petitioner's Property without adherence to due process of law consequently, directing the 4th Respondent herein to transfer and grant patta to the petitioner in respect of a residential Plot measuring 720 Square feet bearing Plot No.342, Baba Nagar. 13th Street, Villivakkam, Chennai-19 comprised in survey No 226/1 and 226/2 of Konur vilage, Villivakkam taluk in Thiruvallur District.

For Petitioner : Mr.A.Saravanan

For Respondents 1,2, & 4 : Mr.E.Balamurugan
Special Government Pleader

For Respondent-3

: Mr.T.M.Pappiah
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned letter issued by the second respondent dated 19.08.2013 and for a consequential direction to the fourth respondent for grant of patta in favour of the petitioner.

2. The case of the petitioner is that he is the owner of the property, situated at Plot No.342, by virtue of a registered sale deed dated 05.06.1969, which was executed in the name of the father of the petitioner. Thereafter, a settlement deed was executed in favour of the petitioner on 07.03.2014 and thereby, the petitioner became the owner of the property.

3. The petitioner made application before the fourth respondent seeking for patta. The same was not considered by the fourth respondent on the ground that the property in question was acquired under the Land Ceiling Act. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Heard Mr.A.Saravanan, learned counsel for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader for the respondents 1,2 and 4 and Mr.T.M.Pappiah, learned Special Government Pleader for the third respondent.

5. The issue involved in the present Writ Petition is squarely covered by the earlier orders passed by this Court in W.P.No.4647 of 2016 dated 17.03.2016. The only difference between this case and the earlier Writ Petition is that there is a difference in the plot number and all the other issues remain same. It will, therefore, be more relevant to extract the relevant portion of the earlier order passed by this Court in W.P.No.4647 of 2016 dated 17.03.2016 hereunder:-

"7.The learned counsel for the petitioner submitted that during 1965 itself, the society purchased the land from the original owners and converted the said lands into house site plots and sold to the petitioners and others, before enactment of the Urban Land Ceiling and Regulation Act, 1978. The letter of the second respondent dated 5 19.08.2013 sent to the third respondent is unfounded and not supported by any legally tenable proceedings as none of the process mentioned in the Urban Land Ceiling Act

for acquisition of excess vacant land has been adhered by the respondents. Hence, the petitioners filed the present writ petition before this Court to quash the proceedings of the second respondent dated 19.08.2013 in RC.225/13/A.

8. On a perusal of materials available on record, I find that the second respondent without considering all the above said aspects passed the present impugned order dated 19.08.2013 in RC.No.255/13/A, the said order is liable to be quashed and the same is quashed accordingly."

6. In the considered view of this Court, the earlier order passed by this Court will enure to the benefit of the petitioner also. The petitioner also stands on the same footing and he is entitled for the relief sought for in this Writ Petition.

7. In view of the above discussion, the impugned order passed by the second respondent dated 19.08.2013 is hereby quashed and there shall be a direction to the fourth respondent to consider the application given by the petitioner on 30.11.2019 and pass necessary orders within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall make a fresh representation to the fourth respondent along with all necessary documents and also a copy of this order.

8. This Writ Petition is allowed with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
The State of Tamil Nadu
Department of Revenue Administration
Fort.St.George, Chennai-9.

2. The Assistant Commissioner (ULT)
Egmore Zone
No 409, EVR Periyar High Road
Aminjikarai, Chennai-29.

3. The Sub Registrar
Konnur, Chennai-49.

4. The Tahsildar
Ayanavaram Taluk
Chennai-23.

+1cc to the Government Pleader, Sr.No.33530

+1cc to Mr.A.Saravanan, Advocate, Sr.No.33219

W.P.No.13184 of 2020
and

WMP Nos.16311 and 16312 of 2020

ajs (co)
rr ii (18/11/2020)



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