



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2020

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) .No.13931 of 2018

G.Gandhimathi

.. Petitioner

Vs.

1.The Tahsildar,
Madurai South,
Madurai.

2.The Principal Secretary to Government,
Commissioner of Land Reforms,
Chepauk,
Chennai - 600 005.

3.The Competent Authority,
Assistant Commissioner of Urban Land Tax,
Madurai,
Madurai District.

.. Respondents

(Respondents 2 and 3 are impleaded vide Court order dated 08.09.2020 in W.M.P.(MD)No.9378 of 2020 in W.P.(MD)No.13931 of 2018 by DKKJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to issue patta in the petitioner's name to an extent of 2.02 acres in S.No.276/2 out of 4.52 acres and at S.No.272/1A1A to an extent of 76 cents out of 0.92.0 hectares based on petitioner's representation dated 09.01.2018 and 18.04.2018.

For Petitioner	: Mr.A.Sivaji
For Respondents	: Mr.M.Pandiyarajan Additional Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondent to issue patta in the petitioner's name to an extent of 2.02 acres in S.No.276/2 out of 4.52 acres and at S.No.272/1A1A to an extent of 76 cents out of 0.92.0 hectares based on her representations dated 09.01.2018 and 18.04.2018.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Pandiyarajan, learned Additional Government Pleader appearing

<https://hccservices.mca.gov.in/hccservices>



3.The learned Counsel appearing for the petitioner would submit that the petitioner had purchased the land measuring to an extent of 2.02 acres and 2.26 acres in S.Nos.276/2 and 272/1 by registered sale deed Nos.4454/1987 and 2838/1988 respectively from one Muthukaruppa Kone and from then onwards, the petitioner is in possession and enjoyment of the said land. While so, the Competent Authority cum Assistant Commissioner, Urban Land Tax, Madurai, had initiated proceedings against the vendor of the petitioner by name Mr.Muthukaruppa Kone and two others by issuing a notice dated 22.03.1991 under Section 9(5) the Tamil Nadu Urban Land Ceiling and Regulation Act, 1978. The learned Counsel for the petitioner further submitted that pursuant to the said notice, she made a representation and filed W.P.No.7469 of 2005 before the Principal Seat and based on the order passed in the said Writ Petition, the petitioner made a representation before the second respondent herein. On considering the said representation, the second respondent herein had passed an order on 26.07.2010. Aggrieved by the same, the petitioner filed another Writ Petition in W.P.(MD)No.13819 of 2010 and the said Writ Petition was allowed. Thereafter, the petitioner had submitted a representation before the first respondent herein on 18.04.2018. Since there was no response, the petitioner has come forward with the present Writ Petition.

4.The competent authority under the Repealed Land Ceiling Act, is the Assistant Commission, Urban Land Ceiling and the appellate authority is the Additional Chief Secretary and Commissioner of Land Reforms, Chennai. Though it has been stated by the Tahsildar that they have not been made as parties, the third respondent, namely, the Competent Authority, Assistant Commissioner of Urban Land Tax, Madurai has been made as respondent in the present Writ Petition vide order dated 08.09.2020 in W.M.P.(MD)No.9378 of 2020. Even though the Assistant Commissioner of Urban Land Tax has been made as party, the petitioner has not made any representation to him. Therefore, this Court cannot issue any direction to the competent authority to decide the request unless or otherwise, the documents along with the representation are produced before the competent authority. Hence, this Court is not inclined to issue any direction in the present case. It is now represented by the learned Counsel appearing for the petitioner that the petitioner will make a representation within a period of two weeks from the date of receipt of a copy of this order. It is needless to mention that if fresh representation is made to the Competent Authority, the Competent Authority shall consider the same and pass orders in accordance with law preferably within a period of three months from the date of receipt of the representation. This Court has not decided the *lis* between the parties in the present Writ Petition and the disposal of this Writ Petition will have no



bearing on the competent authority to consider the representation afresh if the said representation is made to him.

5. With the above observation, this Writ Petition is closed.
No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

SRM

To

1. The Tahsildar,
Madurai South,
Madurai.

2. The Principal Secretary to Government,
Commissioner of Land Reforms,
Chepauk,
Chennai - 600 005.

3. The Competent Authority,
Assistant Commissioner of Urban Land Tax,
Madurai,
Madurai District.

+1 CC to SGP (SR-19180[F] dated 06/10/2020)

ORDER MADE IN
W.P. (MD) .No.13931 of 2018
05.10.2020

NS (CO)
KM (06.11.2020) 3P 5C