



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16005 of 2012 and  
MP.No.1 of 2012

1.Catherin Santhammal  
2.D.Paul Edwin  
3.Grace Irene

... Petitioners

-Vs-

1.The State of Tamilnadu,  
Rep. by the Secretary to Government,  
Revenue Department,  
Fort St.George,  
Chennai 600 009  
2.The Land Commissioner,  
Chepauk, Chennai 600 005  
3.The Assistant Commissioner (Land Reforms),  
Villupuram,  
Villupuram District

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to pass orders in application filed before the second respondent dated 26.10.2009 seeking permission to deposit a sum of Rs.49,770/- in compliance with the orders of the second respondent dated 22.09.1999 in Ref.No.D1/R.R.No.113/98 (L.Ref).

For petitioners: M/s.C.Jayalakshmi  
for M/s.Devadason and Sagar

For Respondents: Mr.M.R.Gokul Krishnan,  
Government Advocate

ORDER

The Writ Petition has been filed to issue a writ of mandamus directing the respondents to pass orders in application filed before the second respondent dated 26.10.2009 seeking permission to deposit a sum of Rs.49,770/- in compliance with the orders of the second respondent dated 22.09.1999 in Ref.No.D1/R.R.No.113/98 (L.Ref).



2. The father of the petitioners 1 & 2 purchased the property comprised in S.No.13, Ayapakkam Village, Saidapet Taluk, Chengalpet District to an extent of 11.41 cents from one, Mr.Sambu Prasad by the registered sale deed dated 30.01.1989 registered vide document No.475 of 1989. Thereafter, he was also issued patta No.331 dated 05.08.1989. He was also issued planning permission on 28.04.1993. When the father of the petitioners 1 and 2 started to construct the building, he was informed that the land was already assigned to one, K.Chandrasekaran. Thereafter, he came to understand that the land was already acquired by the Government as surplus through GO.Ms.No.2190 Revenue dated 05.11.1981. After acquisition, the said land was allotted to one, Chandrasekaran on 23.05.1994. As per the GO.Ms.No. 2190 Revenue dated 05.11.1981, the land comprised in S.No.13/2 to an extent of 48 cents situated at Ayapakkam Village was declared as surplus and not the property purchased by him in S.No.13/1B. Therefore, he filed Special Revision Petition before the Tamil Nadu Land Reforms Special Appellate Tribunal, Chennai in SRP.No.27 of 1996, and by order dated 14.07.1998, the Tribunal directed the second respondent to decide the issue involved after enquiring all the parties. As directed by the Special Appellate Tribunal, the second respondent enquired under Section 82 of the Tamilnadu Land Reform (Fixation of Ceiling on Land) Act, 58/61 and passed order dated 22.09.1999 cancelling the assignment granted in favour of the said K.Chandrasekaran and directed the other purchasers of their respective property to pay the value of the land as per the guideline value on the date of purchase to recognise the sale deed executed in their favour. However, the said order was challenged by the said Chandrasekaran in WP.No.18277 of 1979 before this Court and the same was dismissed by order dated 07.09.2009. In pursuant to the dismissal of the said order, the father of the petitioners 1 and 2 submitted representation on 22.09.2009 seeking permission to deposit the sale consideration to recognise the sale deed executed in his favour. The second respondent did not pass any order. Hence, the petitioners have filed this writ petition.

3. In fact, the petitioners also sent reminders to the second respondent. On receipt of the same, the second respondent by communication dated 31.03.2010, informed that some additional information was called for from the third respondent and on receipt of the same, thereafter the amount can be deposited. Thereafter, the second respondent did not take any step to pass any order.

4. In view of the above, the second respondent is directed to pass order within a period of two weeks from the date of receipt of copy of this order on the request made by the



petitioner dated 26.10.2009 in view of the order passed by the second respondent dated 22.09.1999 in Ref.No.D1/RP.No.113/93 (L.Ref) .

5. With the above directions, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-  
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,  
State of Tamilnadu,  
Revenue Department,  
Fort St.George,  
Chennai 600 009

2.The Land Commissioner,  
Chepauk, Chennai 600 005

3.The Assistant Commissioner (Land Reforms),  
Villupuram,  
Villupuram District.

+lcc to Mr.Devadasan & Sagar, Advocate, S.R.No.47016  
+lcc to the Government Pleader, S.R.No.47209

W.P.No.16005 of 2012

PVS(CO)  
CB(06/10/2021)