



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No. 3165 of 2021

and

WMP No. 3594 of 2021

V.Chinnamal

.... Petitioner

Vs

1. The Secretary to the Government,
Revenue Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2. The Principal Secretary/Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai - 600 005.

3. The Assistant Commissioner,
Urban Land Tax,
No.5, Sugandhi Street,
Poonamallee, Chennai - 600 055.

4. The Tahsildar,
M/s.Government of Tahsildar Office,
No.5, Trunk Road,
Poonamallee, Chennai - 600 056.

5. The Village Administrative Officer,
Amudurmedu Village,
Poonamallee Taluk,
Tiruvallur.

6. The Tahsildar,
Outer Ring Road Project,
Poonamallee.
(R6 suo-motu impleaded vide order
dated 01.03.2021 made in
W.P.No.3165 of 2021)

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Mandamus,
directing the fourth respondent to dispose of the representation



made by the petitioner dated 21.05.2020 to measure her lands or in the alternative direct the respondents to grant compensation in accordance with the prevailing market value as on date of filing the said writ petition pertaining to the land situated at S.No.44/1A and in S.No.55/1B measuring an total extent of 6800 sq.mts in Amudurmedu Village, Poonamallee Taluk, Tiruvallur District.

For Petitioner : Mr.David Tyagaraj

For Respondents: Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the fourth respondent to dispose of the representation made by the petitioner dated 21.05.2020 to measure her lands or in the alternative direct the respondents to grant compensation in accordance with the prevailing market value as on date of filing the said writ petition pertaining to the land situated at S.No.44/1A and in S.No.55/1B measuring an total extent of 6800 sq.mts in Amudurmedu Village, Poonamallee Taluk, Tiruvallur District.

2. Heard, Mr.David Tyagaraj, learned counsel appearing for the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents.

3. The land comprised in survey Nos.44/1A and 55/1B measuring to an total extent of 6800 sq.mts in Amudurmedu Village, Poonamallee Taluk, Tiruvallur District was purchased by the petitioner on 14.05.1962 and 20.04.1996. Thereafter, the petitioner came to know that the said land was under Urban Land Ceiling Proceedings. Therefore, the petitioner made a representation to drop the Urban Land Ceiling Proceedings relating to her land situated at Amudurmedu Village, Poonamallee Taluk, Tiruvallur District comprised in survey Nos.44/1A and 55/1B admeasuring 6800 sq.mts out of 7300 sq.mts. She was not issued with any notice under Section 9(5) of the Tamil Nadu Urban Land (Ceiling and Regulation Act), 1978 . Therefore, she challenged the proceedings by way of Writ Petition before this Court in W.P.No. 28604 of 2010 and the same was allowed as per Section 4 of the Repealing Act, the entire acquisition proceedings lapsed.

4. Aggrieved by the same, the respondents filed a Writ Appeal before this Court in WA No. 1406 of 2013 and the same was also dismissed by an order dated 04.03.2014 In fact, the respondents also filed Special Leave Petition before the Hon'ble



Supreme Court of India in SLP in Diary No. 17724 of 2018 and by an order dated 07.09.2018 dismissed the Special Leave Petition and confirmed the order passed by this Court in W.P.No.28604 of 2010. Even then, the revenue records were not mutated in her name and as such, she constrained to file contempt petition before this Court in Cont.P.No.17815 of 2015. While pending contempt petition, the second respondent passed an order to the third respondent to issue patta in favour of the petitioner. Accordingly, the fourth respondent issued Patta, Chitta and Adangal of the said subject property in favour of the petitioner to an extent of 6800 sq.mts. However, the said land is not visible could not be measured. Therefore, the petitioner had sent a representation before the fourth respondent to measure the said land in accordance with the Patta, Chitta and Adangal issued in favour of the petitioner.

5. The respondents filed a counter stating that the entire acquisition proceedings of the Urban Land Ceiling had passed and attained finality by the Hon'ble Supreme Court of India in SLP Diary No.17724 of 2018 by an order dated 07.09.2018 already the entire revenue records mutated in favour of the petitioner and no action will be pending against the respondent. Insofar as measuring the property is concerned, the petitioner has to approach the fourth respondent in the manner known to law.

6. In view of the above, the fourth respondent is directed to measure the subject property in survey Nos.44/1A and 55/1B measuring an total extent of 6800 sq.mts in Amudurmedu Village, Poonamallee Taluk, Tiruvallur District and fix the boundaries on payment of necessary charges, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The Secretary to the Government,
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Fort St. George, Chennai - 600 009.



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Amudurmedu Village,
Poonamallee Taluk,
Tiruvallur.

6.The Tahsildar,
Outer Ring Road Project,
Poonamallee.

+2cc to Mr.David Tyagaraj, Advocate, S.R.No.58670

+1cc to the Government Pleader, S.R.No.59479

W.P. No. 3165 of 2021
and
WMP No. 3594 of 2021

KSM(CO)
SB(08/12/2021)