



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3685 of 2012 and M.P.Nos.1, 2 of 2012

R.Sudarshan

...Petitioner

Vs

1.The Competent Authority,
Urban land (Ceiling) & Asst. Commissioner,
Urban Land Tax, Alandur, Chennai - 88.

2.The Principal Commissioner,
& Commissioner of Land Reforms, Chepauk,
Chennai - 600 005.

3.The Government of Tamil Nadu,
Rep by its Secretary, Revenue Department,
Fort St. George, Chennai.

4.The Thasildar,
Tambaram Taluk, Tambaram,
Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent namely the order passed by the 1st respondent dated 29.04.1997 passed in Na.Ka.No.2289/96B under Section 9(5) and notice issued in R.S.No.2289/96B dated 05.04.1999 under Section 11(5) of Tamil Nadu Land (Ceiling and Regulation) Act. In respect of the land comprised in Survey No:156/2 measuring 1900 sq.mt in Madipakkam Village, Tambaram Taluk, Kanchipuram District and quash the same and further direct the respondents to issue patta by making corrections in all the revenue records like Pataa, Chitta, Adangal, field map etc., by incorporating the name of the petitioner.

For Petitioner : Mr.Udhaya Kumar for M/s.Nirmala Devi
For Respondents: Mr.Richardson Wilson,
Government Advocate



O R D E R

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent namely the order passed by the 1st respondent dated 29.04.1997 passed in Na.Ka.No.2289/96B under Section 9(5) and notice issued in R.S.No.2289/96B dated 05.04.1999 under Section 11(5) of Tamil Nadu Land (Ceiling and Regulation) Act. In respect of the land comprised in Survey No:156/2 measuring 1900 sq.mt in Madipakkam Village, Tambaram Taluk, Kanchipuram District and quash the same and further direct the respondents to issue patta by making corrections in all the revenue records like Patta, Chitta, Adangal, field map etc., by incorporating the name of the petitioner.

2. The case of the petitioner is that he purchased a house site bearing Plot No.10 measuring 2275 sq.ft out of the larger extent of the property comprised in Survey No.156/2, Madipakkam Village, Tambaram Taluk, Kanchipuram District by the registered sale deed dated 10.04.1995 vide Document No.861 of 1995 in the Office of the Sub Registrar, Vellacherry, Chennai.

3. While approaching the Revenue Authorities for the issuance of patta, the petitioner came to know about the order passed by the Government as per the provisions of Tamil Nadu Urban Land (Ceiling & Regulation) Act 24 of 1978 in respect of property comprised in Survey No.156/2.

4. The learned counsel for the petitioner submitted that similarly for the issuance of patta in same survey number namely 156/2 situated at Madipakkam Village, Tambaram Taluk, Kanchipuram District, when the request was dismissed, challenged the proceedings before this Court in W.P.No.43808 of 2006 which was allowed by this Court vide order dated 02.12.2009. The relevant portion of the order is as follows:

"6. In view of the notice dated 29.04.1997 issued by the first respondent under Section 11(5) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, it is clear that possession of the property has not been taken over by the respondents. The date on which the notice under Section 11(5) is said to have been issued, the said Padmavathi Ammal was not alive. She died as early as on 15.02.1994. The death certificate dated 25.03.1997 enclosed in the typed set of papers shows that the said Padmavathi Ammal died on 15.02.1994. In view of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 20 of 1999, and since possession



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of the property has not been taken over and also in view of the fact that the notice under the Provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act was issued on a dead person, the entire proceedings initiated under the Principal Act abates and the impugned proceedings are, therefore, liable to be set aside.

7. In the result, the writ petition is allowed and the impugned proceeding is set aside. The petitioners are entitled to all the consequential relief. Connected miscellaneous petition is closed. No order as to costs."

5. In view of the above, the impugned order passed by the first respondent dated 29.04.1997 in Na.Ka.No.2289/96B under Section 9(5) and notice issued in R.S.No.2289/96B dated 05.04.1999 under Section 11(5) of Tamil Nadu Land (Ceiling and Regulation) Act is set aside. The respondents are directed to pass necessary orders to issue patta in favour of the petitioner for the land purchased by him and also to mutate all the Revenue Records in his favour within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observations, this writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No order as to costs.

s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

rna
To

1. The Competent Authority,
Urban land (Ceiling) & Asst. Commissioner,
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2. The Principal Commissioner,
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3.The Government of Tamil Nadu,
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Fort St. George, Chennai.

4.The Thasildar,
Tambaram Taluk, Tambaram,
Chennai.

+5 Ccs to Mr.R. Nirmala Devi, Advocate sr 40583.
+1 CC to The Government Pleader sr 40372.

W.P.No.3685 of 2012
and M.P.Nos.1, 2 of 2012

PL(CO)
SP(02/09/2021)