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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.34017 OF 2013

AND

M.P.NO.1 2013

The Saidapet Depressed Class
Cooperative House Site Society Limited,
Represented by its President,
74, West Joans Road,
West Saidapet,
Chennai - 600 015.

... Petitioner

.Vs.

1. The Commissioner,
Urban Land Ceiling and Urban Land Tax Office,
Government of Tamil Nadu,
Chepauk, Chennai - 600 005.

2. The Deputy Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

... Respondents

PRAYER:-

Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order letter Na.Ka.No.2872/2013/E2 dated 24.09.2013 of the 1st respondent and quash the same and consequently direct the 1st respondent to allot the surplus land to the extent of 2567 sq.metres, in Survey No.23/1, in T.S.No.23 part, Block No.12, situated in Kothwal Chavadi Street, Saidapet, Chennai-600 015 to the petitioner Society.

For Petitioner : Mr.Kumar Rajan

For Respondents : Mr.Gokul Krishnan
Government Advocate



O R D E R

The writ petitions filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order letter Na.Ka.No.2872/2013/E2 dated 24.09.2013 of the 1st respondent and quash the same and consequently direct the 1st respondent to allot the surplus land to the extent of 2567 sq.metres, in Survey No.23/1, in T.S.No.23 part, Block No.12, situated in Kothwal Chavadi Street, Saidapet, Chennai-600 015 to the petitioner Society.

2. The land comprising in S.No.23/1 in T.S.No.23 part, Block No.12, admeasuring 1.76 acres situated in Kothawal Chavadi Street, Saidapet, Chennai-600 015, originally the land belongs to one R.Venugopal and Veeraraghavan. The petitioner Society entered into an agreement of sale for the sale of the properties. Out of the entire extent, half of the properties belongs to the said persons namely Venugopal and Veeraraghavan and half of the properties belongs to one R.Govindarajulu Chetty. The petitioner Society have purchased half of the property belongs to Venugopal and Veeraraghavan under a registered sale deed dated 27.02.1974. As far as remaining half of the property pertaining to R.Govindarajulu Chetty is concerned, a sale deed was executed on stamp papers on 27.02.1974 and the document was presented for registration. However, the Sub-Registrar, Saidapet, insisted upon the production of Income Tax Certificate by late Shri R.Govindarajulu Chetty, but, Govindarajulu Chetty has failed to produce the same. The sale deed was kept pending by the Sub-Registrar, subsequently returned the same for non-production of the Income Tax Certificate by Govindarajulu Chetty.

3. In the meanwhile, Urban Land (Ceiling and Regulation) Act came into force with effect from 3.8.1976. The Competent Authority under the said Act, declared out of 16 grounds, the authorised officer passed final declaration and acquired 2567 sq.metres in the said vacant land. The remaining vacant land has not been acquired by the Government. Therefore, the petitioner society has filed a suit against the Government in O.S.No.8158 of 1988 for a declaration that the said property does not vest with the Government under the above Act. At the same time, late R.Govindarajulu Chetty has also filed writ petition in W.P.No.14239 of 1988 before this Court, to quash the said proceedings. Therefore, on the strength of the un registered sale deed executed by his vendor, the petitioner Society requested to allot the same for construction of house sites for the members of the petitioners' society who are landless,



economically weaker section and belongs to Scheduled Caste and Scheduled Tribes. But, the said request was rejected.

4. On perusal of the counter, it reveals that the Government has rejected the petitioner's request on the ground that the priority of allotment does not go to Co-operative Housing Societies. The Government has rightly rejected the petitioner's request, as foremost priority would go to State & Central Government and the local bodies. That apart, the subject land is not fit for construction of dwelling houses since the said polluted area as described by the writ petitioner would be much hazardous for human being and the houses situated at the lower level near Coovam River. To avoid this type of hardship and risk to poor and economically weaker sections, a large number of slum infrastructure upgradation Schemes have been implemented by the Government across the State at a cost of several crores through the Tamil Nadu Slum Clearance Board to resettle all the Slum families who are living on the banks of Coovam river and in low lying areas in self contained tenements near the Chennai limit with required infrastructure. Therefore, the subject land is not fit for construction of dwelling houses. Hence, the request of the petitioner was rightly rejected by the 1st respondent and this Court finds no infirmity or illegality in the order passed by the Respondents.

5. With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Commissioner,
Urban Land Ceiling and Urban Land Tax Office,
Government of Tamil Nadu,
Chepauk, Chennai - 600 005.



2. The Deputy Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

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+1cc to Mr.Kumar Rajan, Advocate, S.R.No.53356

W.P.NO.34017 OF 2013 AND
M.P.NO.1 2013

PCH (CO)
PBS/10/11/2021