



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08..07..2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.10792 of 2021

S.Govindarajan

... Petitioner

-Versus-

- 1.The Principal Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai 600009.
- 2.The Secretary,
Department of Revenue,
Government of Tamil Nadu,
Fort St. George,
Chennai 600009.
- 3.The Commissioner,
Urban Land Ceiling and Urban Land Tax,
Government of Tamil Nadu,
Ezhilagam,
Chepauk, Chennai 600 009.
- 4.The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
Ambattur,
Chennai 600053.
- 5.The Tahsildar,
Ambattur Taluk,
Taluk Office,
Ambattur, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing respondents 1 and 3 to grant permission for mutation of land in respect of the property to an extent of 5240 square feet comprised in Survey No.33, situated at Plot No.18 Menambedu village of Ambattur Taluk mentioned in a legal notice dated 07/12/2020 and disposing of the same by giving an opportunity for hearing with the petitioner in support of the orders of the Courts of law and related documents in pertains to the documents there of within stipulated time.



WEB COPY

For Petitioner : Mr.S.Jayakumar
For Respondent(s) : Mr.K.M.D.Muhilan,
Government Advocate
for RR1to 4

ORDER

[This matter has been heard through video conference]

This writ petition has been filed seeking a direction to the respondents 1 and 3 to grant permission for mutation of land in respect of the property measuring to an extent of 5240 square feet comprised in Survey No.33, situated at Plot No.18, Menambedu Village, Ambattur Taluk as requested in legal notice dated 07.12.2020.

2. The petitioner claims to be the absolute owner of the above said property mentioned hereinabove having purchased the same from one Elumalai, S/o Rajagopal by virtue of a sale deed dated 02.02.2020 registered as Doc.No.361/2000 on the file of the Sub Registrar, Ambattur. The above said land was subject to the urban land ceiling proceedings. That proceedings was challenged by the vendor of the petitioner before this court in W.P.No.28056 of 2013, which was allowed by order dated 23.01.2009, thereby declaring that the proceedings in respect of the land in question stood abated in view of the coming into force of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999 besides holding that the proceedings could not be sustained in the eye of law as the same had been against a dead person. Challenging the abovesaid order of a single Judge of this court, the Government moved an appeal in W.A.No.1152 of 2012 which was dismissed by a Division Bench of this court by order dated 23.07.2012 and the Special Leave Petition filed by the Government before the Hon'ble Supreme Court in SLP (C) No.10190 of 2016 was also dismissed on 01.07.2016. The petitioner had purchased the property in question only after due diligence. When he approached the 4th respondent seeking patta, the 4th respondent insisted the petitioner to get recommendations from the 2nd respondent with regard to urban land ceiling proceedings. Thereafter, the petitioner approached the 2nd respondent and filed an application. The grievance of the petitioner is that his application has not been considered by the 2nd respondent so far. Hence, the present writ petition.

3. The learned counsel appearing for the petitioner submitted that since the application is pending for a long time, the 2nd respondent may be directed to consider the application and make suitable recommendations to the 4th respondent so as to



enable the petitioner to get patta for the property in his name.

4. The learned Government Advocate, on instructions, submitted that now the petition has been pending with the 2nd respondent and appropriate order would be passed within a period of eight weeks on merits and in accordance with law.

5. Considering the facts and circumstances of the case and the submissions made on either side, the 2nd respondent is directed to pass suitable orders on the representation of the petitioner dated 07.12.2020 made by way of legal notice and pass suitable orders on merits and in accordance with law after hearing the petitioner within a period of six weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly with the above directions. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Kmk

To

- 1.The Principal Secretary,
Government of Tamil Nadu, Fort St. George,
Chennai 600009.
- 2.The Secretary, Department of Revenue,
Government of Tamil Nadu, Fort St. George,
Chennai 600009.
- 3.The Commissioner, Urban Land Ceiling and Urban Land Tax,
Government of Tamil Nadu, Ezhilagam, Chempauk,
Chennai 600 009.
- 4.The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
Ambattur, Chennai 600053.
- 5.The Tahsildar, Ambattur Taluk, Taluk Office,
Ambattur, Chennai.

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GSM(CO)
SB(04/08/2021)