

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.14551 of 2020
& WMP No.18048 of 2020

A.C.Annamma

...Petitioner

-Vs-

1.The Special Commissioner and
Commissioner of Land Reforms,
Chepauk, Chennai-600 005.

2.The Assistant Commissioner/
Competent Authority,
(Urban Land Ceiling-Alandur),
No.153, Karuneegar Street,
Adambakkam, Chennai- 600 008

3.The Secretary,
Revenue and Disaster Management Department,
Secretariat,
Fort St George,
Chennai-600 009

4.The Tahsildar,
Sholiganallur Taluk,
Kancheepuram District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to return the land to the petitioner in S.No.56/8 in Plot no.125 measuring 1825 sq.ft situated at no.154, Madipakkam, Madura Puzuthivakkam Village, previously Saidapet Taluk, presently Sholiganallur Taluk, previously Kancheepuram District, presently Chennai District belonging to the petitioner and to direct the 4th respondent to incorporate the name of the petitioner as owner in all the revenue records and to issue patta, chitta and adangal in her favour.

For Petitioner : Mr.G.Rajesh

For R1 to R4 : Mr.S.N.Parthasarathi
Government Advocate

ORDER

This Writ Petition is filed by the petitioner seeking a direction to the respondents to return the land to the petitioner comprised in S.No.56/8 in Plot no.125 measuring 1825 sq.ft situated at no.154, Madipakkam, Madura Puzuthivakkam Village, Chennai District belonging to the petitioner and also to direct the 4th respondent to incorporate the name of the petitioner as owner in all the revenue records and to issue patta, chitta and adangal in her favour.

2.The petitioner's land measuring an extent of 1825 sq.ft comprised in S.No.56/8 in Madipakkam, Madura Puzuthivakkam Village, Saidapet Taluk and now presently in Sholinganallur Taluk was notified for acquisition under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act. The petitioner's contention is that the possession of the property has not been taken in terms of Section 11(6) of the Act and when the Act came to be repealed in the year 1999, by virtue of Section 3 of the Repeal Act, the petitioner is entitled to get the property re-conveyed. The petitioner also submitted that in similar cases filed by the adjacent land owners in Prathiba Venkataraman Vs. The Assistant Commissioner(Land Reforms), Alandur Municipality and Others in W.P.No.6931 of 2000 dated 27.01.2009, K.Thomas Amalraj Vs. The Special Commissioner and Commissioner of Land Reforms and 2 Others in W.P. No.432 of 2015 dated 04.03.2015, Syed Suhale Ahmed Vs. The Special Commissioner in WP.No.24641 of 2015 dated 05.02.2016, this Court having found that the possession had not been taken, directed the authorities to re-convey the lands in favour of the petitioners therein. Counter affidavits in these cases have been filed and the records are also made available.

3.Mr.S.N.Parthasarathi, learned Government Advocate takes notice for the respondents 1 to 4 and made a statement that the various decisions relied on by the petitioner were challenged in Writ Appeals, which later came to be dismissed. Further attempts to prefer an appeal to the Hon'ble Supreme Court also were ended in vain as the Hon'ble Supreme Court did not entertain the appeal in SLP.No.21441 of 2018 dated 09.05.2019. Therefore, the Assistant Commissioner, Urban Land Tax addressed a communication dated 16.03.2020 to the Principal Secretary/the Commissioner of Urban Land Ceiling and Land Tax informing about the dismissal of the SLP.

4. It has now become incumbent upon the first respondent to pass necessary proceedings, re-conveying the property to the petitioner since every attempt of the Government to retain the land has ended in vain as seen from the dismissal of SLP No.21441 of 2018 by the Hon'ble Supreme Court. This has to be done within a period of 16 weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Special Commissioner and
Commissioner of Land Reforms,
Chepauk, Chennai-600 005.

2.The Assistant Commissioner/
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(Urban Land Ceiling-Alandur),
No.153, Karuneegar Street,
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3.The Secretary,
Revenue and Disaster Management Department,
Secretariat,
Fort St George,
Chennai-600 009

4.The Tahsildar,
Sholiganallur Taluk,
Kancheepuram District.

+1 cc to Government Pleader Sr.No. 21411
+1cc to Mr.G.Rajesh, Advocate SR.No. 20586

सत्यमेव जयते

W.P.No.14551 of 2020

A.SK(11.06.2021)

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