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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16909 of 2021

R.Parasuraman

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
- 2.The Special Commissioner and
Commissioner for Land Ceiling and Urban Land Tax,
Chepauk, Chennai - 600 005.
- 3.The Assistant Commissioner for Urban Land Tax and Ceiling
(Competent Authority),
Tambaram Zone, Adambakkam,
Chennai - 600 088.
- 4.The Special Tahsildar,
Settlement Town Land Tax Office,
2nd Floor, Pallavaram Taluk Office,
Chennai - 600 044.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the fourth respondent herein to forthwith transfer patta in favour of the petitioner and the other legal representatives in respect of the property of an extent of 96 cents in Survey No.91/2 and 38 cents in Survey No.87/7A in No.158, Jamin Pallavaram.

For Petitioner : M/s.AL.Gandhimathi.

For Respondents : Mr.Yogesh Kannadasan
Government Advocate.



ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the fourth respondent herein to forthwith transfer patta in favour of the petitioner and the other legal representatives in respect of the property to an extent of 96 cents in Survey No.91/2 and 38 cents in Survey No.87/7A in No.158, Jamin Pallavaram.

2. Heard M/s.AL.Gandhimathi, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents.

3. The land comprised in Survey No.91/2 to an extent of 96 cents and the land comprised in Survey No.87/7 to an extent of 50 cents situated at No.158, Jamin Pallavaram owned by the petitioner. The petitioner is being one of the Legal Heir of the original owner Annammal. Thereafter, the petitioner came to understand that out of 5900 sq.metres of land owned by his vendor, 5400 sq.metres had been declared as surplus land. The petitioner also came to understand that the notice under Section 7(2) of the Urban Land Ceiling Act has been issued on 15.04.1988. Whereas, the vendor i.e. Annammal died and as such she did not file any returns. Subsequently, the notification under Section 9(1) and Section 9(4) of the Urban Land Ceiling Act were issued and order has been passed under Section 9(5) of the Urban Land Ceiling Act on 31.10.1991. The notice under Section 11(5) of the Urban Land Ceiling Act had been issued, stating that the land is vested with the Government on and from 25.02.1993. Therefore, the legal representatives of the petitioner's vendor filed a writ petition before this Court in W.P.No.9338 of 2006 for declaration, declaring that the entire proceedings as null and void. The said writ petition came to be mutated by this Court by an order, dated 29.07.2019.

4. In pursuant to the order passed by this Court, the petitioner applied for transfer of Patta in his favour. It is also seen that as against the order passed by this Court in W.P.No.9338 of 2006, dated 29.07.2019, the respondents did not prefer any appeal so far.

5. Considering the above, the fourth respondent is directed to mutate the Revenue records in favour of the petitioner in respect of the subject property comprised in Survey No.91/2 to an extent of 96 cents and the land comprised in Survey No.87/7 to an extent of 50 cents situated at No.158, Jamin Pallavaram, within a period of six weeks from the date of receipt of a copy of this order.



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6. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 009.
- 2.The Special Commissioner and
Commissioner for Land Ceiling and Urban Land Tax,
Chepauk, Chennai - 600 005.
- 3.The Assistant Commissioner for Urban Land Tax and Ceiling
(Competent Authority),
Tambaram Zone, Adambakkam, Chennai - 600 088.
- 4.The Special Tahsildar,
Settlement Town Land Tax Office,
2nd Floor, Pallavaram Taluk Office,
Chennai - 600 044.

+1cc to M/s.AL.Ganthimathi, Advocate, S.R.No.58002

+1cc to the Government Pleader, S.R.No.57853

W.P.No.16909 of 2021

AK-II(CO)
RVM(25/11/2021)