



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HONOURABLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No. 20765 of 2021

1.B.Vinod Kumar  
2.B.Arun Kumar

.. Petitioners

Versus

1. The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Revenue Department,  
Fort St. George,  
Chennai - 600 009.
2. The Special Commissioner,  
Commissioner for Land Reforms,  
Chepauk,  
Chennai - 600 005.
3. The Assistant Commissioner,  
(Urban Land Tax)  
& Competent Authority,  
(Urban Land Ceiling)  
T.Nagar, Chennai - 600 017.
4. The Tahsildhar,  
No.113, V.V.Koil Street,  
Tharamani 100 Feet Road,  
Chennai - 600 113.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 3<sup>rd</sup> respondent issue patta to the petitioners for the property in Survey No.618, at Plot No.15, Nethaji Colony, 5<sup>th</sup> Cross Street, Velachery, Chennai - 600 042.

For Petitioners : Ms. S.Aswini

For Respondents : Mr. Yogesh Kannadasan  
Government Advocate



## O R D E R

This writ petition is filed for issuance of a writ of mandamus directing the 3<sup>rd</sup> respondent issue patta to the petitioners for the property in Survey No.618, at Plot No.15, Nethaji Colony, 5<sup>th</sup> Cross Street, Velachery, Chennai - 600 042.

2. The case of the petitioners is that their father one Balaraman purchased the land admeasuring 2460 sq.ft., in Survey No.618, Plot No.15, Nethaji Colony, 5<sup>th</sup> Cross St, Velachery, Chennai - 600 042, from K.Kopalpillai, G.Jayaraman, G.Mani, G.Srinivasan and G.Duraisamy, by way of sale deed dated 30.11.1988 and registered as Doc. No.1532 of 1998. It is stated that the petitioners' father was in physical possession of the property since then and enjoying the property. It is further stated that the petitioners' father constructed a tiled roof house in the property and obtained electricity connection. The property was assessed by the Revenue Department and the property tax has been paid till date. It is stated the said Balaraman applied patta for the said property in the year 2011 and the same was rejected by the fourth respondent and informed that the entire property situated in Survey No.618 is under the land ceiling and a case is pending before this Court. Further, he approached the third respondent in this regard and the third respondent in his letter dated 16.08.2011 replied that the erstwhile owner of the property one Gopal Pillai had approached this Court to declare the proceedings of the second respondent as abated. Thereafter, the petitioner came to know that the petitioner filed before this Court was allowed and the adjacent property owners have obtained the patta in their names for their respective plots. It is further stated that the petitioners' father died intestate leaving the petitioners and his two wife as legal heirs. Thereafter, the petitioners executed a partition deed dated 12.08.2021 and registered as Doc. No.1030 of 2021.

3. It is stated that the petitioners subsequently applied patta on 24.02.2021. However, the application filed by the second petitioner was rejected and a message was received by the second petitioner. The first petitioner's application was not at all processed and there is no response till date. Hence, the petitioners met the fourth respondent and enquired about the reason for the rejection of patta application. It is stated that the fourth respondent orally informed the petitioners that the subject land is under ceiling and therefore, patta will not be granted. The grievance of the petitioners is that though they have submitted the order of this Court to the fourth respondent and explained that the adjacent owners in Survey No.618 have obtained patta, the fourth respondent refused to accept the same and directed the petitioners to obtain NOC from the third



respondent that the property is free from ceiling and there is no bar to issue patta. It is further stated that the third respondent refused to give NOC without giving property reason. Aggrieved by the inaction of the respondents, the petitioners have filed this present Writ Petition.

4. Learned Government Advocate appearing for respondents submitted that this Court may direct the respondents to consider the petitioners' application and decide it on merits and in accordance with law.

5. Though the petitioners sought for larger relief, without expressing any opinion on the merits of the case, the petitioners are directed to submit a fresh application to the third and fourth respondent and on receipt of the same the third and fourth respondents are directed to consider and pass orders on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of the application.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Secretary to Government,  
Revenue Department,  
Fort St. George,  
Chennai - 600 009.
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+1cc to M/s.Aswini, Advocate, S.R.No.55526

+1cc to the Government Pleader, S.R.No.56223

W.P. No. 20765 of 2021

NMI (CO)  
SU(30/12/2021)