

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. Nos. 13970 & 13971 of 2017

S.Kumaresan ... Petitioner in W.P. No.13970 of 2017

R.Ramasamy ... Petitioner in W.P. No.13971 of 2017

Vs

1.The District Collector,
Salem District,
Salem - 636 001.

2.The Tahsildar,
Salem Taluk,
Salem - 636 001.

3.The Competent Authority,
(Assistant Commissioner),
Urban Land Ceiling,
Coimbatore.

... Respondents in both petitions

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 23.01.2017 and to issue patta to the petitioner's house Plot No.24 & 23 respectively in S.No.422/1 Ammapet Rural Village, Salem Taluk, forthwith.

For Petitioner : Mr. P.Jagadeesan
(in both petitions)

For Respondents : Mrs. A.Madhumathi
(in both petitions) Special Government Pleader

C O M M O N O R D E R

These two Writ Petitions are filed by the land owners directing the respondents to consider their representations and to issue patta to the respective petitioners in respect of the plots for which they claim right and title.

2. Brief facts which are not in dispute and are relevant for the disposal of these petitions are as follows:

The petitioner in W.P. No.13971 of 2017, one Ramasamy is the owner of the entire property which is the subject matter of these petitions. The petitioner in W.P. No.13970 of 2017 is the purchaser of one plot from the petitioner in W.P. No.13971 of 2017. It is also stated that the said Ramasamy had sold several plots in favour of others retaining only one plot bearing No.23 in Survey No.422/1, Ammapet Rural Village, Salem Taluk. The land belonged to the petitioner was sought to be acquired by invoking provisions of Tamil Nadu Urban Land (Ceiling and Regulation) Act (hereinafter referred as 'the Act'). Earlier Thiru. Ramasamy filed a Writ Petition in W.P. No.6641 of 1997, to quash the proceedings initiated by the respondents under the Act. This Court, by order dated 09.09.2004, allowed the petition and there was no appeal against the order in the said Writ Petition till date. It is to be noted that the said Writ Petition was allowed on the ground that the entire acquisition proceeding initiated under the Act stood abated by virtue of Section 4 of Act 20 of 1999 repealing the Act. Despite the fact that the proceeding was abated and the property should be treated as absolute property of the said Ramasamy and other persons who purchased plots from Ramasamy, the Revenue Officials appears to have shown some reluctance in recognising the title of the petitioners. Hence, a representation was made by the petitioners seeking transfer of patta in favour of the petitioner. Since the said representations were not considered by the respondents, these Writ Petitions are filed by the aggrieved petitioners.

3. Having regard to the admitted facts and the statements found in the counter affidavit, this Court is of the view that the ownership is not in dispute as the proceedings initiated under the ULC Act had been quashed by this Court. There was no scope for acquiring or requiring the lands belong to the petitioners. Since the petitioners are the owners of the properties, they are also entitled to get patta for the plots which are held by them. It is not brought to the notice of this Court that there is any rival claim by any third party. Therefore, there is no difficulty for this Court to issue direction to the respondents to grant patta for the petitioners for the respective plots.

4. Accordingly, these Writ Petitions are allowed and the respondents are directed to grant patta in favour of the petitioners after considering the representation of the petitioners within a period of six weeks from the date of receipt of a copy of this order. No costs. It is brought to the notice of this Court that the petitioner in W.P. No.13971 of

2017, by name R.Ramasamy is no more. Hence the direction of this Court should be understood that the legal representatives of the said R.Ramasamy should be considered for grant of patta, instead of R.Ramasamy.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Salem District,
Salem - 636 001.

2.The Tahsildar,
Salem Taluk,
Salem - 636 001.

3.The Competent Authority,
(Assistant Commissioner),
Urban Land Ceiling,
Coimbatore.

+1 cc to M/s. P.Jagadeesan, Advocate Sr.No. 7008

+1 cc to The Government Pleader Sr.No. 6669

W.P. Nos. 13970 & 13971 of 2017

PMK (CO)
RMP (01/04/2021)

सत्यमेव जयते
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