



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.34335 of 2019

S. Santhi

...Petitioner

-Vs-

1.The Director,
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai - 600 005.

2. The Assistant Commissioner,
Urban Land Ceiling (Alandur) & Land Ceiling,
No.153, Karuneegar Street, Aadambakkam,
Chennai .

...Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue of writ of Mandamus or any other appropriate writ or order or direction directing the Respondents to consider the petitioner's representation dated 13.11.2019 and to restore the property name to petitioner name as Santhi in a land comprised in Survey No.390/17 situated in Tambaram Village, Tambaram Taluk, Kancheepuram District and pass orders accordingly.

For Petitioner :: Mr.N. Naresh
for Mr.M.Selvakumar

For Respondents :: Mr.V. Veluchamy
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the Respondents to consider the petitioner's representation dated 13.11.2019 and to restore the property name to petitioner name as Santhi in a land comprised in Survey No.390/17 situated in Tambaram Village, Tambaram Taluk, Kancheepuram District and pass orders accordingly.



2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.

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3. Having considered the facts and circumstances of the case and submissions made by the learned counsel for the petitioner and learned Government Advocate for the respondents, it is seen that the petitioner herein has purchased the property in question to the extent of 2050 Sq.Mts. (49.5 cents) in the year 2002, after the acquisition proceedings were completed. Without verifying the ownership of the subject lands with reference to the revenue records, the petitioner has purchased the said property. It is to be noted that while an extent of 8300 Sq.mtr of land was declared as excess vacant land in the hands of Mr.Duraisingam and the acquired land was handed over to the revenue Authorities on 24.04.1999, well before the introduction of the Tamilnadu Urban Land (Ceiling and Regulation) Repeal Act. After acquisition proceedings were completed, changes were carried out in the Revenue Records to the effect that the land belongs to "Government of Tamil Nadu". Therefore, the patta transfer requested by the petitioner could not be effected since the land in question was registered in the name of the Government of Tamil Nadu. Under such circumstances, this Court is of the considered view that the property in question has been purchased in the year 2002 by the petitioner without verifying the revenue records and the same is null and void as per section 6 of the Act. Further, while Mr.Gopalaiah was a power agent of the Urban Land owner namely Mr.Duraisingam who has appointed the one Mrs.Thulasi as his power agent from whom the petitioner has purchased the property in question. Hence, the validity of power would be decided by the competent Court and the same cannot be decided under Article 226 of Constitution of India. Hence, as there is no merits in the case of the petitioner herein seeking for a direction to the respondents to consider her representation dated 13.11.2019, this Writ petition is dismissed. There shall be no order as to costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar



Lbm

To:

1. The Director,
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai - 600 005.
2. The Assistant Commissioner,
Urban Land Ceiling (Alandur) & Land Ceiling,
No.153, Karuneegar Street, Aadambakkam,
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NMI (CO)
SP(17/12/2021)