

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.19440 of 2017

Mrs.Suseela Rajaram

.. Petitioner

Vs.

1.The Secretary to the Government
Revenue Department
St. George Fort
Secretariat, Chennai - 600 009

2.The Commissioner
Urban Land & Ceiling Department
Chepauk, Chennai - 600 005

3.The District Collector
Thiruvallur District
Thiruvallur

4.The Assistant Commissioner
Urban Land & Ceiling Department
Chepauk, Chennai - 600 005

5.The Tahsildar
Ambattur Taluk
Ambattur

.. Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider petitioner's representation dated 01.07.2017.

* * *

For Petitioner : Mr.K.Sridhar
for M/s.R.S.Mohan

For Respondents: Mr.M.Elumalai,
Additional Govt. Pleader for R2

O R D E R

This writ petition is filed for issuing a Writ of Mandamus, directing the 2nd respondent to consider petitioner's representation dated 01.07.2017.

2. The learned counsel appearing for the petitioner submitted that the petitioner purchased the property in 2013 from the registered land owner. The petitioner, after purchasing the property, on the basis of documents of title, submitted a representation to the respondents with a prayer for transfer of patta. It is stated that only then, the petitioner, through the revenue officials came to know about the proceedings initiated under the Tamil Nadu Urban Land Ceiling Act against the erstwhile owner. Therefore, she submitted another representation to the respondents to release the land from its proceedings. Thereafter, the petitioner approached this court with a prayer to direct the second respondent to consider her representation dated 01.07.2017.

3. It is to be seen that the petitioner's claim is on the basis of a Government Order in G.O. Ms. No.565 Revenue [ULC.I (2)] dated 26.09.2008. This Government Order is apparently for regularisation of the holdings of innocent purchasers, who are still in possession of the property. In the counter affidavit, it is further stated that the land purchased by the petitioner was much after the issuance of the said Government Order and that therefore, the Government Order in G.O. Ms. No.565 dated 26.09.2008, cannot be considered in the case of the petitioner.

4. This court, considered the respective submissions of the counsel.

5. Going through the bare facts admitted before this court and as borne out from the records, the lands which are purchased by the petitioner in 2013, had been acquired by the government under the Tamil Nadu Urban Land Ceiling Act. No doubt, it is true that the Act, namely Tamil Nadu Urban Land Ceiling Act was repealed in 1999, but the proceedings, which had been initiated and completed before 1999, are saved. In other words, if the petitioner is in possession of the land, she may contend before the respondents that the proceedings had lapsed by virtue of Section 4 of the Repealing Act.

6. In this case, the facts which are necessary for the petitioner to fall under the provisions of the Repealing Act is not stated before this court. However, having regard to the rival submissions, this court is inclined to dispose of the writ petition with a direction to the respondents to consider the representation on merits and in accordance with law.

7. Accordingly, this writ petition is disposed of, with a direction to the second respondent to consider petitioner's

representation dated 01.07.2017 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Asr

To

1.The Secretary to the Government
Revenue Department
St. George Fort
Secretariat, Chennai - 600 009

2.The Commissioner
Urban Land & Ceiling Department
Chepauk, Chennai - 600 005

3.The District Collector
Thiruvallur District
Thiruvallur

4.The Assistant Commissioner
Urban Land & Ceiling Department
Chepauk, Chennai - 600 005

5.The Tahsildar
Ambattur Taluk
Ambattur.

+1cc to the Government Pleader SR.14839

W.P.No.19440 of 2017

GPL (CO)
CB(31/03/2021)