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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.02.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9752 of 2007

and

W.M.P.No.2 of 2007

1. A. Saminathan alias Swaninathan
2. Mrs.S.Saroja
3. S.Rajan
4. Mrs.R.Thresa
5. S. Victor Raja
6. S. Albert Raj
7. S. Arulraj
8. Arokya Raj
9. S.Sekar.

... Petitioners

Vs

1. The Authorised Officer/ Competent Authority, Urban Land Ceiling, Adambakkam, Chennai-600 088.
2. The Assistant Commissioner, Urban Land Ceiling, Adambakkam, Chennai-600 088.
3. The Commissioner, Urban Land Ceiling, Ezhilagam, Chennai-600 005.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus by calling for the records comprised in the proceedings of the first respondent bearing Na.Ka.Ci.Pa.No.366/97 C dated 27.02.1998 and quash the same and consequently forbear the Respondents 1 & 2 herein from in any manner interfering with the peaceful possession and enjoyment of the property possession and enjoyment of the property bearing survey No.390/20 measuring about 51 cents @ Tambaram Village, Kanchipuram District.



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For Petitioner ... M/s. T.T. Ravichandran

For Respondents ... Mr. M. Murali,
Government Advocate

O R D E R

When the matter is taken up for hearing, learned counsel for the petitioner submits that the present petition has been filed against the proceedings dated 27.02.1998 of the 1st respondent which was issued u/s 9(5) of the Repeal Act of Tamil Nadu Urban Land (Ceiling and Regulation) Act.

2. Though a lengthy and detailed counter has been filed, however, learned Government advocate appearing for the respondents submits that though the Final Statement u/s 10(1) of the Act has been issued, however, the petitioner has not challenged the same and without challenging the same, the petitioner has come up with the present petition, which is not maintainable. Hence, the prayer sought for in this Writ Petition cannot be granted and this Petition is liable to be dismissed.

3. From a perusal of the materials, it is evident that without challenging the said final statement, the petitioner has filed the present Writ Petition, which is not sustainable. However, considering the fair submission of the learned counsel for the petitioner, this Court grants liberty to the petitioner to file a fresh Writ Petition challenging the said final statement issued u/s 10 of the Act in the manner known to law.

4. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

NHS
To

1. The Authorised Officer/Competent Authority, Urban Land Ceiling, Adambakkam, Chennai-600 088.



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2. The Assistant Commissioner,
Urban Land Ceiling,
Adambakkam,
Chennai-600 088.

3. The Commissioner,
Urban Land Ceiling,
Ezhilagam, Chennai-600 005.

+1cc to the Government Pleader Sr.9016

W.P.No.9752 of 2007

pl[co]
srg 26/04/2022