



W.P.No.14179 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14179 of 2016
and WMP.No.12405 of 2016

- 1.A.Hamid Sultan
- 2.A.Rafiuddin (deceased)
- 3.Dr.A.Moinuddin
- 4.A.Shabuddin
- 5.A.Akthari Begum
- 6.A.Tajuddin
- 7.A.Nasreen Sultana
- 8.A.Faizuddin
- 9.A.Safiuddin
- 10.Nazeem
- 11.Mohammed Zubiar
- 12.Mohammed Huziar
- 13.Dr.Mohammed Rizwan
- 14.Noorul Fowzia
- 15.Mohamed Muzaffar

(P10 to P15 are substituted as LR's of the deceased P3 vide order dated 27.11.2018 made in WMP.No.34850/2018)

- 16.Mrs.Fathima Hassina
- 17.Mrs.Fathima Fazila
- 18.Mrs.Fathima Wajeeha

(P16 to P18 substituted as LR's of deceased 2nd petitioner vide order dated 09.06.2022 made in WMP.No.24371/2021)

... Petitioners

Vs.

- 1.Government of Tamil Nadu,
rep.by its Secretary,
Revenue Department,
Fort St.George, Chennai 600 009.



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2. The Competent Authority (ULC) and
Assistant Commissioner (ULT)
Tambaram, Adambakkam,
Chennai 600 083.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus Directing the first respondent to re-convey the land in Survey No. 387/1A situate at Zamin Pallavaram Village to the petitioners or in the alternative to determine the compensation for the surplus land in Survey No. 387/1A situate at Zamin Pallavaram Village on the prevailing market rate to the petitioners in the interest of Justice.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.P.Sathish
Additional Government Pleader

Order

The petitioner has filed this petition for issuance of writ of Mandamus to direct the first respondent to re-convey the land in Survey No. 387/1A situate at Zamin Pallavaram Village to the petitioners or in the alternative to determine the compensation for the said land.

2. The case of the petitioner is that the petitioners' mother had



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purchased the punja lands of an extent of 2.05 acres (8250 sq.mts situated in

S.No.387/1 in 158 Zamin Pallavaram Village by Sale Deed dated 05.02.1962.

While so, the 2nd respondent passed an order under Section 9(5) of Urban Land Ceiling Act, 1978, declaring 1750 sq.mts as surplus vacant land and ordered to acquire under the provisions of the Act and the 2nd respondent determined the value of the said surplus land at Rs.17,500/- vide G.O.Ms.No.1375, dated 05.06.80. Challenging the said Government Order, the petitioners' mother had preferred a Writ Petition in W.P.No.5630 of 1989, whereby the proceedings relating to the fixation of amount at Rs.17,500/- was quashed and thereafter, the Government had preferred W.A.No.613 of 1995 and the same was dismissed. Further the said Mahabob Bi and the petitioners who are the legal heirs of the said Mahabob Bi have made several representations for release of the alleged declaration of surplus land of an extent of 1750 sq.mts, however those representations were not yielded any fruitful result. In the meantime, the Tamil Nadu Urban Land (Ceiling and Regulation) Act was repealed on 16.06.99 and hence the said Act is not in force and inspite of the same, neither the 2nd respondent determined the compensation as per the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act nor the 1st respondent paid the compensation from the date of alleged taking over of the surplus land. Aggrieved by the same, the petitioner is before this Court.



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3. The learned counsel appearing for the petitioner submitted that though the petitioner not interested to plead the first prayer with regard to re-conveyance, in respect of the second prayer, this Court may direct the respondents to pay the fair compensation as per the order of this Court in W.P.No.5630 of 1989, which was also confirmed by the Hon'ble Division Bench in W.A.No.613/1995, within a reasonable time as fixed by this Court.

4. The learned Additional Government Pleader has no serious objections for the said order being passed.

5. In view of the limited prayer sought for in the Writ Petition, this Court is inclined to issue direction to the respondents 1 and 2 to pay the compensation with eligible interest as per the direction issued by this Court in in W.P.No.5630 of 1989, dated 10.02.1995, which was also confirmed by the Hon'ble Division Bench in W.A.No.613/1995, dated 22.07.2009, after providing opportunity to the petitioner and the said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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6. This Writ Petition is disposed of with the above terms. NO costs.

Consequently connected miscellaneous petition is closed.

17.06.2022

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To

1.The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai 600 009.

2.The Competent Authority (ULC) and
Assistant Commissioner (ULT)
Tambaram, Adambakkam,
Chennai 600 083.



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M.DHANDAPANI,J.

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