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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

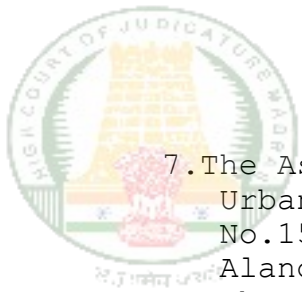
W.P.Nos.28366 and 28367 of 2013
and
MP.1 & 2/2013 (in both WPs)

A.Ubayathulla ... Petitioner in W.P.28366/2013

N.Saravanan
Rep. by his Power Agent
Mr.R.L.Nandagopal ... Petitioner in W.P.28367/2013

Vs.

- 1.State of Tamil Nadu,
rep. by the Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Kanchipuram District,
Kanchipuram.
- 3.The Member Secretary,
C.M.D.A., Egmore,
Chennai - 600 008.
- 4.The Special Tahsildar, (L.A)
C.M.D.A., Koyambedu,
Chennai - 600 092.
- 5.The District Revenue Officer,
Sriperumbudur Taluk,
Kanchipuram District.
- 6.The Managing Director,
T.N.R.D.C., Sindu Plaza,
2nd Floor, 346,
Pantheon Road, Egmore,
Chennai - 600 008. ... Respondents 1 to 6 in both the W.Ps.



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7.The Asst. Commissioner
Urban Land Ceiling
No.153, Karuneegar Street,
Alandur,
Chennai - 600 016.

8.The Special Commissioner,
Land Reforms,
Chepauk,
Chennai - 600 005.

9.The Sub Registrar,
Sub Registrar Office,
Kundrathur,
Chennai.

(R7 to R9 - impleaded as per
the order of this Court dated
07.03.2022 made in M.P.No.1 of 2014
in W.P.No.28367 of 2013.)

... Respondents 7 to 9 in W.P.28367/2013

Prayer in W.P.No.28366 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent G.O.Ms.No.429/2010 (Revenue) dated 08.09.2010 and quash the same in so far as it relates to the petitioner Plot No.25 to an extent of 1200 of land in Survey No.1292 at Kundrathur Village.

Prayer in W.P.No.28367 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent G.O.Ms.No.429/2010 (Revenue) dated 08.09.2010 and quash the same in so far as it relates to the petitioner Plot No.1 to an extent of 1200 of land in Survey Nos.1285, 1286/1 and 1286/2 at Srimathi Nagar, Kundrathur Village and restore the possession of the property.

For Petitioners : Mr.G.Poonkundran

For Respondents : Mrs.D.Tamilselvi
for R1 to R5 in W.P.28366/2013

for R1 to R5, R7 to R9 in W.P.28367/2013
Special Government Pleader

Mr.M.Sivavarthanan for R6
in both W.Ps.



COMMON ORDER

Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

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2.The petitioners have filed these writ petitions seeking issuance of Writ of Certiorari calling for the records of the first respondent G.O.Ms.No.429/2010 (Revenue) dated 08.09.2010 and quash the same in so far as it relates to the petitioners Plot Nos.25 and 1 respectively, in Survey No.1292 at Kundrathur Village and Survey Nos.1285, 1286/1 and 1286/2 at Srimathi Nagar, Kundrathur Village, respectively.

3.The case of the petitioners is that the petitioners purchased the subject properties from their vendors vide registered sale deeds dated 09.07.1997 and 13.02.2013 respectively. Only after their purchase of the subject properties, they came to know from the District Revenue Officer that the lands are taken over for Outer Ring Road Project, Phase - I and the Government vide impugned order gave permission to enter in on the land. Challenging the same, the present writ petitions have been filed.

4.The learned counsel appearing for the petitioners submitted that the petitioners purchased the lands from their vendors for valid consideration, however, without any notice, the lands are acquired for formation of Outer Ring Road, which is clear violation of principles of natural justice.

5.The learned Special Government Pleader drawn the attention of this Court to the counter affidavit filed on behalf of the respondents 1 and 2 and submitted that as per the revenue records the subject properties are not mutated in the names of the petitioners and they were covered under the Urban Land Ceiling Act and handed over to the Revenue Department on 12.05.1999. Thereafter, the impugned Government Order was issued. Since as per the revenue records, there is no proof for petitioners ownership, there is no necessity for serving notice to the petitioners.

6.The learned Special Government Pleader further submitted that proceedings under the Urban Land Ceiling Act were initiated against the original owners of the lands from whom the petitioners purchased the land.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Perusal of the impugned Government Order reveals that as



per the revenue records, the subject properties are mentioned as Government lands. Hence, the lands are taken over for Outer Ring Road Project, Phase - I. Though the petitioners claim that they purchased the subject properties from their vendors vide registered sale deeds dated 09.07.1997 and 13.02.2013 respectively, they have not taken any steps to mutate the revenue records. As per the revenue records, there is no proof for petitioners ownership for the subject properties. Hence, there is no necessity for the Government to serve notice to the petitioners.

9. Further, it appears that proceedings under the Urban Land Ceiling Act were initiated against the original owners of the lands from whom the petitioners purchased the land. The petitioners, without challenging the said proceedings under the Urban Land Ceiling Act, have filed these writ petitions, which is un-sustainable one.

10. In view of the above, this Court is not inclined to grant the relief sought for in these writ petitions. These writ petitions are accordingly dismissed. However, liberty is granted to the petitioners to work out the remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kanchipuram District,
Kanchipuram.
3. The Member Secretary,
C.M.D.A., Egmore,
Chennai - 600 008.



4.The Special Tahsildar, (L.A)
C.M.D.A., Koyambedu,
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5.The District Revenue Officer,
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8.The Special Commissioner,
Land Reforms,
Chepauk, Chennai - 600 005.

9.The Sub Registrar,
Sub Registrar Office,
Kundrathur, Chennai.

+1cc to Mr.M.Sivavarthan, Advocate, S.R.No.15981
+1cc to Mr.G.Pookundran, Advocate, S.R.No.15827
+1cc to the Government Pleader, S.R.No.15845

W.P.Nos.28366 and
28367 of 2013

GPL(CO)
SB(20/04/2022)