



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8844 OF 2022

V.N.Devadoss

... Petitioner

.Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary, Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Land Reforms,
Ezhilaham, Chepauk,
Chennai - 600 005.
3. The District Collector,
Tiruvallur District,
Tiruvallur.
4. The Assistant Commissioner,
Competent Authority,
Urban Land (Ceiling & Regulation),
Poonamallee.
5. The Tahsildar,
Poonamallee Taluk,
Tiruvallur District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to consider the representation dated 10.02.2022 for re-classification of the lands in Survey Nos.101/1, 101/2 and 102 of Veyalanallur Village, Poonamallee Taluk, Tiruvallur District from Government land to Private land and thereafter direct the 5th respondent to mutate revenue records in the Petitioner's name in respect of the lands in Survey Nos.101/1, 101/2 and 102 of Vayalanallur Village, Poonamallee Taluk, Tiruvallur District, within the time to be stipulated by this Hon'ble Court.



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For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

This writ petition has been filed seeking for a issuance of a writ of Mandamus to direct the respondents herein to consider the representation dated 10.02.2022 for re-classification of the lands in Survey Nos.101/1, 101/2 and 102 of Veyalanallur Village, Poonamallee Taluk, Tiruvallur District from Government land to Private land and thereafter direct the 5th respondent to mutate revenue records in the Petitioner's name in respect of the above said lands, within the time to be stipulated by this Court.

2. The case of the petitioner is that he is the absolute owner of the lands ad-measuring about 11.42 Acres, comprised in Survey Nos.101/2, 101/1, 100/1, 100/2, 102, 110/1 situated at above said Village. While that being so, the said lands has been used by the vendors of the petitioner for manufacturing. However, the 4th respondent has passed an order dated 10.04.1997, under Section 9(5) of Tamil Nadu Urban Land (Ceiling and Regulation) Act, (herein after referred as 'the Act') dated 10.04.1997, stating that the lands in S.Nos.101/1, 101/2 and 102 of the said Village was found excess and the said proceedings were challenged by the vendors of the petitioner before this Court in W.P.No.1429 of 2003 vide order dated 27.03.2007 and the same was allowed by directing the respondents therein to treat the land as falling outside the provision of the Act 24/1978 by virtue of Section 4 of the Act 20/1999. Thereafter, the petitioner made a representation to the 2nd respondent dated 10.02.2022, for re-classification of the lands in S.Nos.101/1, 101/2 and 102 from Government land to Private land and consequently seeks for a direction to the 5th respondent to mutate the revenue records in favour of the petitioner. Since the 2nd respondent has not acceded to the petitioner's representation dated 10.02.2022, he has filed the present Writ petition seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 10.02.2022 and pass orders on merits within a particular time frame to be fixed by this Court.



4. The learned Government Advocate for respondents has no objection for said order being passed.

5. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the 2nd respondent to consider the said representation of the petitioner dated 10.02.2022 and pass appropriate orders and dispose of the said representation, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the 2nd respondent to decide the same at the time of disposing of the said representation purely on merits.

6. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary, Revenue Department,
The Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Land Reforms,
Ezhilaham, Chepauk,
Chennai - 600 005.
3. The District Collector,
Tiruvallur District,
Tiruvallur.
4. The Assistant Commissioner,
Competent Authority,
Urban Land (Ceiling & Regulation),
Poonamallee.



5. The Tahsildar,
Poonamallee Taluk,
Tiruvallur District.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.25343
+1cc to the Government Pleader, S.R.No.25789

W.P.NO.8844 OF 2022

GPL(CO)
PBS/05/05/2022