



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9204 of 2022
and W.M.P.No.8959 of 2022

A.Sathyamoorthy

... Petitioner

Vs.

1. The Principal Secretary/Commissioner of Land Reforms,
Commissionerate of Land Reforms,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The District Collector,
Salem District, Salem.
3. The Competent Authority/Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
Collectorate Complex,
Coimbatore - 641 018.
4. The Revenue Divisional Officer,
Salem.
5. The Thasildar,
Salem South,
Salem.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fifth respondent to forthwith delete the entry as Government Surplus lands/Poromboke in the Revenue Records and issue patta to the petitioner for the land comprised in SF.No.16/2A to an extent of 2.21 acres situated at Annathanapatty Village, Salem in view of the abatement of the proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999 {Act 20 of 1999}.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, directing the fifth respondent to forthwith delete the entry as Government Surplus lands/Poromboke in the Revenue Records and issue patta to the petitioner for the land comprised in SF.No.16/2A to an extent of 2.21 acres situated at Annathanapatty Village, Salem in view of the abatement of the proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999 {Act 20 of 1999}.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition, on the consent expressed by the Learned counsel appearing for either side, taken up for final disposal.

3. The case of the petitioner is that the land comprised in SF.No.16/2 to an extent of 2.95 acres situated at Annathanapatty Village, Salem, was allotted to the share of the petitioner's father by virtue of a Compromise Decree dated 02.11.1982 made in O.S.No.705 of 1982 on the file of Sub-Ordinate Judge, Salem. Thereafter, the petitioner's father constructed a rice mill, sago factory and residential house in the above said property. In the remaining extent of 2.21 acres, agricultural operations were carried out. Thereafter, the third respondent initiated proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (herein after referred to as "The Act") and determined the agricultural lands to an extent of 2.21 acres as excess vacant land.

4. Thereafter, the petitioner's father challenged the proceedings by specifically contending that the lands determined as excess vacant land are agricultural lands which have been excluded under the purview of the Act. However, the same was dismissed in all hierarchy levels and finally the outcome of the appeal preferred to the Government is not yet known. However, the physical possession and enjoyment of the land continued with the petitioner's father without any interruption.

5. Thereafter, the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999 {Act 20 of 1999} was enacted and came into force. The petitioner's father filed a suit in O.S.No.349 of 1999 for declaration and permanent injunction, declaring the various orders passed by the defendants therein are illegal. Thereafter, that suit was decreed in favour of the petitioner's father on 04.10.2004. The defendants therein filed an appeal suit in A.S.No.137 of 2008 on the file of the II Additional Sub-Court, Salem. The said appeal was dismissed. Thereafter, the respondents/defendants have not preferred any



appeal before the Appellate Court. However, the classification of the land still exists in the name of the Government, though the said land is in the name of the petitioner's father. The petitioner's father made several representations to delete the entries made by the Government and to issue patta in favour of the petitioner's father and the same was not considered. In fact, the fourth respondent by proceedings dated 10.05.2019 and 07.09.2019 directed the third respondent and fifth respondent to consider the request of the petitioner and to take steps immediately. However, the same was not considered. Hence, this present petition is filed.

6. The learned counsel for the petitioner submitted that the petitioner's father contested the case before the Civil Court after the repeal act came into force, he succeeded even before the Appellate Court. Subsequently, the petitioner's father died on 13.01.2020. Thereafter, the petitioner made several representations. Even then, the petitioner's representation was not considered. Therefore, he requests that this Court may issue a direction to the third and fifth respondents to consider the proceedings of the fourth respondent dated 07.09.2019 and may pass appropriate orders within the stipulated time as fixed by this Court.

7. The learned Special Government Pleader appearing for the respondents, would submit that the representation made by the petitioner will be considered and appropriate orders will be passed on merits within the time frame to be fixed by this court.

8. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the third and fifth respondents to consider the proceedings of the fourth respondent dated 07.09.2019 and after giving an opportunity of hearing to the petitioner, pass orders on merits and in accordance with law, in the light of the orders passed in O.S.No.349 of 1999 and A.S.No.137 of 2008, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition stands disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar



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Coimbatore - 641 018.

4. The Revenue Divisional Officer,
Salem.

5. The Thasildar,
Salem South,
Salem.

+lcc to Mr.P.Saravana, Advocate, S.R.No.25326
+lcc to the Government Pleader, S.R.No.25928

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GPL(CO)
SB(04/05/2022)