



W.P.No.27006 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27006 of 2022

1.B.Valarmathi
2.B.Yasoda
3.B.Elangovan
4.B.Pannerselvam

... Petitioners

Vs.

1.The District Collector,
Chennai District,
Chennai – 600 001.

2.Revenue Divisional Officer (Central),
Ambattur Division,
Anna Nagar West Extension,
Chennai – 600 040.

3.Tahsildar,
Maduravoyal Taluk,
JJ Nagar Road,
Chennai – 600 037.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to issue patta in favour of the petitioners with regard to the land comprised in Survey No.447 situated at Maduravoyal Village, Maduravoual Taluk, Chennai



W.P.No.27006 of 2022

District, by considering the representation made by the petitioner dated 28.03.2022.

For Petitioner : Ms.Narmada Sampath

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 3rd respondent to issue patta in favour of the petitioners with regard to the land comprised in Survey No.447 situated at Maduravoyal Village, Maduravoual Taluk, Chennai District, by considering the representation made by the petitioner dated 28.03.2022.

2.The case of the petitioners is that, originally the land in S.No.447 situated at Maduravoyal Village, measuring an extent of 1.78 Acres, out of which 0.62 Acres belongs to one P.Kistappa Naicker and his wife Babiammal and further an extent of 1.16 Acres belongs to one Annammal and her son namely Arasu. While so, the said P.Kistappa Naicker and his wife Babiammal executed a Settlement Deed registered as Doc.No.332 of 1968, dated 04.07.1968 on the file of SRO, Kodambakkam in favour of their minor grandchildren, the petitioners herein by appointing one



W.P.No.27006 of 2022

Yashodaammal as their guardian. Thereafter, the petitioners herein approached the Office of the Maduravoyal Town Panchayat with a building plan for approval, however, the same was rejected on the ground that the land in dispute is covered under the Tamil Nadu Urban Land (Ceiling and Regulations) Act. In further enquiry, the petitioners came to know that the Assistant Commissioner-Urban Land Tax(Poonamallee) had passed an order under Section 9(5) of the Tamil Nadu Urban Land (Ceiling and Regulations) Act, directing the said Kistappa Naicker to surrender the disputed land. While being so, the petitioners filed W.P.No.4988 of 2010 before this Court seeking to set aside the proceedings of the 3rd respondent and this Court vide its order dated 09.02.2011 quashed the same. Thereafter, the respondents therein preferred an appeal before this Court in W.A.S.R.No.72699 of 2013 and the Division Bench of this Court dismissed the same vide its order dated 14.02.2014. Aggrieved over the said order of dismissal, the respondents therein preferred appeal before the Hon'ble Supreme Court in S.L.P.(C). No.15315 of 2018 and the Hon'ble Supreme Court vide its order dated 01.07.2019 dismissed the same. Therefore, the order passed in W.P.No.4988 of 2010, dated 09.02.2011 stands in force.



W.P.No.27006 of 2022

3.In the above circumstances, the Additional Chief Secretary/Commissioner (ULC & ULT) by his proceedings vide RC.No.G3/3963/2014 dated 18.02.2022, directed the Assistant Commissioner (Urban Land Tax) to take necessary action as per the Government orders and issue suitable instructions to Tahsildar concerned to make necessary changes in the Revenue Records and issue patta to the petitioners. The Assistant Commissioner (Urban Land Tax) (Poonamallee) vide Na.Ka.929/202/E dated 23.02.2022 directing the 3rd respondent herein to remove the name “Tamizhaga Arasu” from the village and Taluk records and update the names of the land owners. Thereafter, the petitioners gave a representation dated 28.03.2022 to the 3rd respondent to carry out changes in the Revenue Records, however, till date the same has not been considered and hence, the petitioner has filed this Writ Petition.

4.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioners' representation dated 28.03.2022 and pass orders on the same within a particular time frame fixed by this Court.



W.P.No.27006 of 2022

WEB COPY 5.Mr.U.Bharanidharan, the learned Additional Government Pleader for the respondents submits that if any direction is given by this Court, the same will be complied with.

6.This Court vide its order dated 11.10.2022 directed the respondents to consider the petitioners' representation dated 28.03.2022 and pass appropriate orders on the same. However, the same was not complied with. Therefore, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 28.03.2022 on merits and in accordance with law and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order.

7.This writ petition is accordingly disposed of. No costs.

30.11.2022

gba

Speaking Order/ Non Speaking Order

5/8



W.P.No.27006 of 2022

Index: Yes/ No
Internet: Yes/ No

WEB COPY

To

- 1.The District Collector,
Chennai District,
Chennai – 600 001.
- 2.Revenue Divisional Officer (Central),
Ambattur Division,
Anna Nagar West Extension,
Chennai – 600 040.
- 3.Tahsildar,
Maduravoyal Taluk,
JJ Nagar Road,
Chennai – 600 037.



WEB COPY



W.P.No.27006 of 2022

M.DHANDAPANI, J.

gba

W.P.No.27006 of 2022



WEB COPY



W.P.No.27006 of 2022

30.11.2022
(1/2)