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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.30555 & 30559 OF 2019
W.M.P.NOS.30603 & 30604 OF 2019

G.Rangaraj

... Petitioner in
W.P.No.30555 of 2019

G.Nagaraj

... Petitioner in
W.P.No.30559 of 2019

-Vs-

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Principal Commissioner,
and Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.
3. The Assistant Commissioner,
Competent Authority,
Urban Land Ceiling,
No.5, Sannadhi Street,
Poonamallee,
Chennai - 600 056.
4. The Tahsildar,
Poonthamalli Taluk,
Thiruvallur District,
Tamil Nadu.

... Respondents in
both W.P's

COMMON PRAYER:-

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to issue patta in the name of the petitioners in respect of the petitioners' land ad measuring 17.75 cents & 2 cents respectively, in S.No.82/2 (Old S.No.49/1)



another land measuring 9.75 cents & 25.25 cents respectively, in S.No.82/2 (Old S.No.49/2) in Numbal Village, Madura Velappan Chavadi, Poonthamalli Taluk, Thiruvallur District, considering the representation made by the petitioners' letter dated 21.01.2019, within the time as may be fixed by this Court.

For Petitioner : Mr.Rahul Balaji
in both W.Ps.

For Respondents : Mr.P.Balathandayutham
in both W.Ps. Special Government Pleader

COMMON ORDER

These Writ Petitions have been filed to direct the respondents to issue patta in the name of the petitioners in respect of the petitioners' land ad measuring 17.75 cents & 2 cents respectively, in S.No.82/2 (Old S.No.49/1) another land measuring 9.75 cents & 25.25 cents respectively, in S.No.82/2 (Old S.No.49/2) in Numbal Village, Madura Velappan Chavadi, Poonthamalli Taluk, Thiruvallur District, considering the representation made by the petitioners' letter dated 21.01.2019, within the time as may be fixed by this Court.

2. The case of the petitioners is that the petitioner in both Writ Petitions are brothers and they purchased the land comprised in S.No.82/2 (old S.No.49/1) to an extent of 17.75 & 2 cents respectively, and the land comprised in S.No.82/2 (old S.No.49/2) to an extent of 9.75 & 25.25 cents respectively, situated at Numbal Village, Madura Velappan Chavadi, Poonthamalli Taluk, Tiruvalur District, by the registered sale deed dated 11.07.2005 vide document Nos.8357 of 2005 and 8358 of 2005 respectively. When the petitioners applied for transfer of patta, they came to understand that the proceedings under the Urban Land Ceiling Act are pending against the subject land.

3. Further, the vendors of the petitioners challenged the said proceedings before this Court in W.P.Nos. 9576 & 9541 of 2004 and this Court by an order dated 07.05.2011 allowed the Writ Petitions by holding that the attempt made by the respondents seeking to take over the land without due process is a clear constitutional infringement of the petitioners' right as well as the right of their predecessor in title and in view of the Repealing Act, T.N.20 of 1999, no proceedings can be initiated under the Urban Land Ceiling Act and the petitioners are entitled to enjoy the property without any interference from the respondents.



4. Thereafter, the petitioners decided to obtain necessary planing and other mandatory permissions to put up construction in the said land and made representation dated 09.11.2019. However the petitioners were replied that the Government has challenged the order dated 07.05.2011 passed by this Court in W.P.Nos.9541, 9575 & 9576 of 2004 in W.A.Sr.Nos.90807, 90802 & 90811 of 2013, which are pending before this Court. Hence the petitioners filed these Writ Petitions with the above said prayer.

5. Heard Mr.Rahul Balaji, learned counsel appearing for the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader appearing for the respondents in both Writ Petitions.

6. On perusal of the counter filed by the third respondent revealed that as against the order dated 07.05.2011 passed in W.P.Nos.9541, 9575 & 9576 of 2004, the department has filed Writ Appeals in the year 2013 itself, along with condone delay petition. Thereafter, they did not even take any steps to number the Writ Appeal and no interim order has been granted in their favour.

7. In view of the above, the petitioners are entitled to get patta in respect of their subject lands. Therefore, the fourth respondent is directed to pass order for issuance of patta in favour of the petitioners in respect of the subject land comprised in S.No.82/2 (old S.No.49/1) to an extent of 17.75 & 2 cents respectively, and the land comprised in S.No.82/2 (old S.No.49/2) to an extent of 9.75 & 25.25 cents respectively, situated at Numbal Village, Madura Velappan Chavadi, Poonthamalli Taluk, Tiruvalur District, subject to the result of the Writ Appeals in W.A.Sr.Nos. 90807, 90802 & 90811 of 2013 on the file of this Court, within a period of four weeks from the date of receipt of this Order.

8. With the above directions, both the Writ Petitions stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Principal Commissioner,
and Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.
3. The Assistant Commissioner,
Competent Authority,
Urban Land Ceiling,
No.5, Sannadhi Street,
Poonamallee,
Chennai - 600 056.
4. The Tahsildar,
Poonthamalli Taluk,
Thiruvallur District,
Tamil Nadu.

+2ccs to Mr.R.Parthasarathy, Advocate, S.R.No.4420
+1cc to the Government Pleader, S.R.No.4753

W.P.Nos.30555 & 30559 of 2019
W.M.P.Nos.30603 & 30604 of 2019

CA(CO)
PBS/02/03/2022