



W.P.No. 155 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 155 of 2020

and

WMP.Nos. 194 & 196 of 2020

N. Sundara Bala

... Petitioner

Versus

1. The State of Tamil Nadu
Represented by its Secretary
Revenue Department
Fort St. George
Chennai-600 009.
2. The Special Commissioner of ULC & ULT
Commissionerate of Land Reforms
Chepauk, Chennai-600 005.
3. The Assistant Commissioner
Urban Land Tax Department
No. 153, Karuneegar Street
Adambakkam
Alandur, Chennai - 600 088.
4. The Tahsildar
Office of Tahsildar
Velacherry
Chennai-600 042.



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5. The Chairman,
The Tamil Nadu Slum Clearance Board
No.8, Kamarajar Salai,
Chennai-600 005.
[R5 impleaded as per order dated 21.02.2020
made in WMP.No.3023/2020]

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent in G.O.No. 116, (Revenue) dated 06.02.1997 and quash the same as illegal, unenforceable and unconstitutional and consequently direct the fourth respondent to issue Patta in favour of the petitioner.

For Petitioner : Mr.P.B. Ramanujam

For Respondents : Mr.P. Sathish
Additional Government Pleader

For Respondents : Mr.Venkatesh, Standing Counsel
for Tamil Nadu Slum Clearance Board

ORDER

This writ petition is filed challenging the impugned order passed by the first respondent in G.O.(Ms).No.116 (Revenue Department), dated 06.02.1997, quash the same as illegal, unenforceable and unconstitutional



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and for consequential direction to the fourth respondent to issue patta in favour of the petitioner herein.

2. The grievance of the petitioner is that the property bearing Plot No. 39, Ram Nagar South, 2nd Main Road, Madipakkam, Chennai-600 091, a part of approved layout DTCP.No. 307/72, vide letter No.6767/73, is covered under patta No.1711 and as per patta, the subdivided new S.No. 96/1C1A3 is situated at Madipakkam Village, Tambaram Taluk, Kancheepuram District, which was purchased by him by way of a registered sale deed, dated 01.03.2004 in Document No. 1054 of 2004 on the file of the Sub Registrar Office, Velacherry, Chennai and he is in absolute possession and enjoyment of the property. The aforesaid property was allegedly taken over by the Government under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, vide G.O.(Ms).No. 116, Revenue Department, dated 06.02.1997, and was allotted to the Tamil Nadu Slum Clearance Board, though he had applied for Patta in his name. Immediately, he approached the Assistant Commissioner of Urban Land Tax Department, the 3rd respondent herein and the third respondent sent a letter, dated 20.03.2019 vide Pa.Mu.No. 924/2016/B stating that the said



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plot standing in the petitioner's name and the said land had been acquired under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, and was allotted to Tamil Nadu Slum Clearance Board (TNSCB). Thereafter, the petitioner sent a legal notice, dated 19.06.2019 calling upon the respondents to issue patta in his favour. Since no action has been taken by the respondents, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner submitted that the properties comprised in Survey No.96/1C measuring an extent 3050 sq.mtr and Survey No.96/1D measuring an extent 4050 sq.mtr were acquired under the Tamil Nadu Urban Land [Ceiling and Regulation], Act. However, the petitioner purchased the aforesaid land which was part of an approved layout and, therefore, the petitioner is entitled for issuance of patta, but the same was rejected and the lands were handed over to the Tamil Nadu Slum Clearance Board, the fifth respondent herein, which is not sustainable.



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4. The learned Additional Government Pleader appearing for the 1st respondent submitted that though the petitioner has sought for patta in this writ petition, the said prayer is not maintainable, as the petitioner has not challenged G.O.Ms. No.116, Revenue Department, dated 06.02.1997 in and by which the lands were taken over under the Tamil Nadu Urban Land [Ceiling and Regulations], Act, and allotted to Slum Clearance Board. Without challenging the said Government Order, seeking issuance of patta is not sustainable.

5. Heard both sides and perused the materials available on record.

6. A perusal of the of the materials available on record reveal that though the petitioner has sought for issuance of patta, however, the base order, viz., G.O.Ms.No.116, Revenue Department, dated 06.02.1997 has not been challenged by the petitioner in and by which the lands were taken over and handed over to the Tamil Nadu Slum Clearance Board. Therefore the prayer sought for in the present petition cannot be granted without challenge being made to the said Government Order.



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7. The learned counsel appearing for the petitioner submitted that the petitioner may be granted liberty to challenge G.O.Ms.No.116, Revenue Department, dated 06.02.1997.

8. This Court, without interfering with the impugned order passed by the 1st respondent, grants liberty to the petitioner to challenge G.O. Ms. No.116, Revenue Department, dated 06.02.1997 before the appropriate forum in the manner known to law. This writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

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To

1. The Secretary
Government of Tamil Nadu
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2. The Special Commissioner of ULC & ULT
Commissionerate of Land Reforms
Chepauk, Chennai-600 005.
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5. The Chairman,
The Tamil Nadu Slum Clearance Board
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M.DHANDAPANI, J.

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