



W.P.No.259 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.259 of 2023
and W.M.P.No.255 of 2023

K.Vannimuthu

... Petitioner

Vs.

1.Principal Secretary to Government of T.N.,
Revenue and Disaster Management [ULC-I (1), Department,
Secretariat Building, Fort St. George,
Chennai – 01.

2.The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax Officer,
Tondiarpet Zone, Kuralagam Fourth Floor,
Broadway, Chennai – 108.

3.The Assistant Commissioner, [Head Quarters]
Urban Land Ceiling and Urban Land Tax Department,
Chepauk, Chennai – 600 005.

4.The Tahsildar,
Perambur Taluk,
Chennai – 600 011.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the



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records of the first respondent in Proceedings in G.O.(Ms).No.269, Revenue and Disaster Management [ULC-I(1) Department, dated 16.06.2022 insofar as the stipulation to issue the patta in favour of the petitioner “Subject to the outcome of the SLP to be filed before the Supreme Court of India” and quash the same arbitrary and illegal and consequently direct the respondents to issue patta in favour of the petitioner in respect of the lands measuring an extent of 4766 Sq.Ft comprised in Old Survey No.71, Town Survey Nos.424 and 425, Block No.13, Kodungaiyur Village, Perambur Taluk, Chennai District.

For Petitioner : Mr.M. Venkatakrishnan

For Respondents : Mr.P. Kumaresan,
Additional Advocate General
Assisted by Mr.P. Sathish,
Additional Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal.

2. In line with the orders passed by this Court in W.P.No.27778 of 2017 dated 02.12.2019 and as confirmed by the Hon'ble Division Bench in W.A.No.38 of 2021 dated 14.09.2021, the first respondent herein had



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issued an impugned G.O.(Ms)No.269, Revenue and Disaster Management [ULC-I(1)] Department, dated 16.06.2022, whereby, the High Court orders' were complied and a conditional patta was directed to be issued in favour of the petitioner, for the property measuring an extent of 9750 sq.mts. in Survey No.71 of Kodungaiyur Village, “subject to the outcome of SLP to be filed before the Hon'ble Supreme Court of India”. Consequently, the concerned Tahsildar had also issued patta with the endorsement stating that “the patta will be subject to the SLP to be filed”.

3. As on date, no SLP has been filed before the Hon'ble Supreme Court of India. Even otherwise, this Court is unable to apprehend, as to how such an endorsement can be made in the Government Order, to a proceeding which has not even been filed.

4. It is needless to point out that such an endorsement in the Government Order, that the patta in respect of the petitioner's property in Plot Nos.1 & 2 in Survey Nos.424/2 and 425/2 in the Town Survey Field Register would be issued subject to legal proceedings, which is not yet filed, would cause serious prejudice to the owners of the land. There is



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no logic or legality in such an endorsement and hence, the same cannot be the part of the entry made in the Town Survey Field Register Perambur, as well as in G.O.(Ms)No.269 dated 16.06.2022.

5. It is needless to point out that if at all the respondents intend to challenge the order passed in the Writ Petition, it would always be open to them to pursue the same in accordance with law.

6. Accordingly, the proceedings of the first respondent in G.O.(Ms).No.269, Revenue and Disaster Management [ULC-I(1) Department, dated 16.06.2022, insofar as the stipulation “Subject to the outcome of the SLP to be filed before the Supreme Court of India” to issue patta in favour of the petitioner, is concerned, is hereby quashed. Consequently, there shall be a direction to the respondents to issue a fresh patta in favour of the petitioner, in respect of the lands measuring an extent of 4766 Sq.Ft comprised in Old Survey No.71, Town Survey Nos.424 and 425, Block No.13, Kodungaiyur Village, Perambur Taluk, Chennai District, without making any remarks.



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7. With the above directions, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

1. Principal Secretary to Government of T.N.,
Revenue and Disaster Management [ULC-I (1), Department,
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Chennai – 01.
2. The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax Officer,
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M.S.RAMESH,J.

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