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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.16835 of 2020

1. S.Thilagam

2. S.Saravanan

... Petitioners

Vs.

1. The Commissioner of Land Reforms,
Ezhizagam,
Chepauk, Chennai.

2. The Assistant Commissioner
(Land Reforms and Urban Land Ceiling),
Tiruchi - Pudukkottai Road,
Tiruchirappalli - 20.

3. The Commissioner,
Tiruchirappalli City Municipal Corporation,
Bharathiyar Salai,
Tiruchirappalli

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the classification as Government Poromboke and include the petitioner's name in the records in respect of UDR survey No.158/21-AI, AJ and



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Town Survey No.7, Ward No.AL, Block No.22, for and extent of 11.02 cents and UDR Survey No.158/21-AK, AL and Town Survey No.Ward No.AL, Block No.22, for an extent of 11.02 cents situated at Piratiyur East Village, Sri Rangam Taluk, Tiruchirappalli District, by considering the Judgment reported in 2007 (1) MLJ 720 and consequently consider the representation, dated 13.07.2020.

For Petitioners : Mr.P.Arun Jayatram

For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader, for R1 & R2
Mr.Kishore, for,
M/s.R.B.Law Associates, for R-3

ORDER

This writ petition is filed for Writ of Mandamus directing the respondents 2 and 3 to remove the classification as Government Poromboke and include the petitioners' name in the records in respect of UDR survey No.158/21-AI, AJ and Town Survey No.7, Ward No.AL, Block No.22, for and extent of 11.02 cents and UDR Survey No.158/21-AK, AL and Town Survey No.Ward No.AL, Block No.22, for an extent of 11.02 cents situated at Piratiyur East Village, Sri Rangam Taluk, Tiruchirappalli District, by considering the Judgment reported in 2007 (1) MLJ 720 and consequently consider the representation, dated 13.07.2020.



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2. Heard Mr.P.Arun Jayatram, the Learned counsel appearing for the Petitioners and Mr.R.Suresh Kumar, the Learned Additional Government Pleader appearing for the respondents 1 & 2, Mr.Kishore, for M/s.R.B.Law Associates, the Learned counsel appearing for the 3rd respondent and perused the material documents available on record.

3. The contention of the petitioners is that one Pitchai who owned two acres of dry land in SF No.130/21 at Piratiyur East Village, Sri Rangam Taluk converted the said land into house plots and sold the same to different persons. The 1st petitioner has purchased a plot measuring 11.02 cents as per document No.6246/1984 dated 05.01.1984. The 1st petitioner's father and the 2nd petitioner's husband had purchased two successive plots measuring 11.02 cents as per document No.6247/1884. The father of the 2nd petitioner has settled by way of valid settlement deed in Document No.2484 of 2016 dated 29.04.2016. Thereafter, the survey number was re-numbered. The petitioners have approached the 3rd respondent for construction and to approve the building plan. However, the 3rd respondent submitted that the said property was classified as Government



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Poromboke and further revealed that the properties were already taken under the Urban Land Ceiling Act in the year 1996.

4. The further contention of the petitioners is that when the said fact was enquired by the petitioners, the owners of the adjacent housing plots namely, one V.Somasundaram stated that the Land Ceiling proceeding was set aside by the Honourable Division Bench of this Court.

5. The further contention of the petitioners is that there is no notice under the Tamilnadu Urban (Ceiling and Regulation) Act, 1978. Subsequently, the said Act was repealed with effect from 16.09.1999 by enacting Tamil Nadu Urban Land (Ceiling and Regulation) Repealed Act, 1999. The said V.Somasundaram has filed a writ petition questioning the proceeding initiated under the said Act, in W.P.No.6975 of 2000 before this Court and the same was dismissed. Aggrieved over the said dismissal order, W.A.No.617 of 2002 was filed and the said writ appeal was allowed by the Hon'ble Division Bench of this Court, reported in 2007(1)MLJ 750 V.Somasundaram and Others Vs. Secretary to Government, Revenue Department and Others. The Hon'ble Division Bench has



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allowed the same since proper notice was not issued to the subsequent purchasers. However, notice was issued to the original owner. In the present case also, the respondents have not issued any notice to the present owners i.e. the petitioners. Notice was only issued to the original owner. Therefore, the judgment of the writ appeal is applicable to the petitioners' case. Therefore, following the Judgement passed by this Court in the *Writ Appeal in W.A.No.617 of 2002, reported in 2007 (1) MLJ 720*, this Court is inclined to allow this writ petition.

6. After the Act was repealed as per Revenue records, it has been recorded that the original owner is the owner of the land. However, only in the Municipal records, still it is shown as Government Poromboke land. For which, the petitioners are relied on the revenue records where it has been stated as under:



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1	2	3	4	5	6	7	8	9	10	11
21X	130-211AF						0.77	0.02.0	0.06	548
21AG		8	4	...	8-4	18	0.77	0.02.0	0.06	செ.கத்திராஜன்
21AH	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	1058
21AI	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	சி.முத்துசாமி
21AJ	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	662
21AK	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	ச.திவகம்
21AL	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	662
21AM	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	ச.திவகம்
21AN	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	377
21AO	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	சி.சண்முகம்
21AP	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	377
21AQ	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	சி.சண்முகம்
21AR	130-211AF	8	4	...	8-4	18	0.77	0.03.5	0.06	1000 ரூ.மாநாடு
21AS	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	998 உமாபதிப்பாளன்
21AT	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	1278 மா.ரத்தினம்
21AU	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	115 P.V.ராஜு*
21AV	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	737
21AW	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	அ.ந.சி. த.சுமது
21AX	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	863
21AY	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	செ.பாலகந்திரம்
21AZ	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	488
21AA	130-211AF	8	4	...	8-4	18	0.77	0.02.0	0.06	செ.சீனிவாசன்
										321 லூ.மோவித்தன்
										693
										செ.நேவராசன்
										901
										மோ.புருசோத்தமன்
										1340
										செ.வாகதேவன்
										980
										மோ.மதியழகன்
										759
										பெ.நாகசெத்தினம்
										865
										சி.பாண்டம்



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Therefore, the 3rd respondent is directed to enter the petitioners' name in the records.

7. The Learned Additional Government Pleader submitted sought time to file counter. In the present case also, the petitioners' have raised the same plea i.e. that the petitioners were not served notice, but only the original owner was issued notice. Since the issue was already considered and decided by the Hon'ble Division Bench of this Court, this Court is of the considered opinion counter would not serve any purpose, since exactly on the same ground, the writ appeal was allowed.

8. Therefore, the respondents are directed to rectify the records. The said exercise shall be completed within a period of Six weeks, from the date of receipt of a copy of the Order.



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9. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

04.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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