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W.P.No.23055 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23055 of 2024

K.V.Ramana Raju

... Petitioner

VS.

1.The Principal Secretary/Commissioner
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai – 600 005.

2.The Assistant Commissioner
Urban Land Ceiling and Urban Land Tax,
Egmore Zone, No.409,
EVR Periyar High Road,
Aminjikarai, Chennai – 600 029.

3.The Tahsildhar
Ayanavaram Taluk,
Chennai – 600 012.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to delete the name of 'Government of Tamil Nadu' entered in the revenue records relating to Plot No:340 comprised in Survey Nos.226/1 and 2261PT Konnur Village, Ayanavaram Taluk, as the owner thereof and in pursuance, direct the 3rd Respondent i.e., Tahsildhar (Ayanavaram Taluk) to issue Patta in the name of Petitioner herein for the said property.



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For Petitioner : Mr.G.Abraham Prabhu

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents to delete the name of 'Government of Tamil Nadu' entered in the revenue records relating to Plot No.340 comprised in Survey Nos.226/1 and 226/1 PT situated in Konnur Village, Ayanavaram Taluk, Chennai and also further direct the 3rd respondent to issue patta in the name of petitioner.

2. According to the petitioner, he is the absolute owner of the above mentioned land, having purchased the same from Sree Baba Co-operative House Site Society under registered Sale Deed dated 14.07.1981. The vendor of the petitioner namely Sree Baba Co-operative House Site Society purchased the property under Sale Deed dated 30.01.1965 from its previous owner. It is further case of the petitioner that after getting necessary planning approval, he had put up construction for residential purpose and he



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has been paying tax to the Corporation of Chennai. It is the case of the petitioner that the property in question was purchased by its vendor from the original owner even prior to coming into force Tamil Nadu Urban Land (Ceiling and Regulation) Act in the year 1978, therefore, the proceedings initiated under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 could not affect the property which was conveyed to the petitioner's vendor even prior to coming into force of the said Act. Therefore, he submitted a representation on 31.01.2020 to 1st respondent seeking deletion of name of 'Government of Tamil Nadu' in respect of his property and for inclusion of his name in the revenue records and the same has not been considered by the 1st respondent. Hence, the petitioner is before this Court.

3. It is also seen that the adjacent owners of the property filed similar writ petition seeking deletion of name of 'Government of Tamil Nadu' from revenue records and the said writ petition was allowed. The appeal filed by the State in W.A.No.1698 of 2023 was also dismissed by the Division Bench of this Court by judgment dated 18.07.2023. In such circumstances, there may not be any impediment for the respondents to consider the representation made by the petitioner and pass orders on it's own merits.



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4. The learned Government Advocate takes notice for the respondents, on instructions, would submit that the request of the petitioner will be considered by the respondents on their own merits.

5. In view of the limited prayer made by the petitioner in this writ petition, without going into the merits of the claim of the petitioner, this Court is inclined to direct the 2nd respondent to consider the request of the petitioner in his representation dated 31.01.2020 and pass final orders on its own merit and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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