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W.P.No.25138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01..07..2023

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.25138 of 2023

1.A.Salam Sulaiman

2.Mahmootha Salam

..... Petitioners

-Versus-

1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department, Chennai 600 009.

2.The Competent Authority,
Urban Land Ceiling & Assistant Commissioner
of Urban Land Tax,
Poonamallee, Chennai 600 056.

3.The Special Commissioner &
Commissioner for Land Reforms,
Chepauk, Chennai 600 013.

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents herein to restore the lands in S.No.44/2B, measuring an extent of 50 cents situated at Aynambakkam Village to the petitioners' herein from from all encumbrances within the time to be specified by this court.



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For Petitioner (s) : Mr.S.Shahul Hameed

*For Respondent (s) : Mr.A.Selvendran,
Spl. Government Pleader
for RRI to 3*

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the respondents herein to restore the lands in S.No.44/2B, measuring an extent of 50 cents situated at Aynambakkam Village to the petitioners herein from all encumbrances within the time to be specified by this court.

2. It is the case of the petitioners that he purchased a landed property measuring an extent 50 cents out of 21.5 Acres of land which was the subject matter in acquisition under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (for short "the ULC Act") by virtue of sale deed dated 09.10.1996 registered as Doc.No.883/1997 from one Vandhana and Krishna Kumar represented by the power of attorney – Ms.K.M.Leela. They are bona fide purchasers of the subject land.

3. It is the further case of the petitioners that one D.C.Mangalraj who had originally owned the land challenged the acquisition proceedings initiated under the ULC Act by way of writ petition in W.P.No.36347 of 2004 and this court by order dated 28.06.2019 quashed the acquisition proceedings and on appeal



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by the State this court by judgement dated 07.01.2022 in W.A.No.3111 of 2021

confirmed the order of the learned single Judge quashing the acquisition proceedings initiated under the ULC Act. In those circumstances, the petitioners are before this court seeking a direction to the respondents to reconvey the subject property to them.

4. A counter affidavit has been filed by the respondents. The respondents while admitting the proceedings initiated under the ULC Act and the quashment of such proceedings, *inter alia* contended that as against the judgement of the Division Bench dated 07.01.2022 made in W.A.No.3111 of 2021, instruction has been solicited from the Government to move a special leave petition before the Hon'ble Supreme Court.

5. Heard both sides.

6. As the entire acquisition proceedings initiated under the ULC Act has been quashed and the same was also confirmed by a Division Bench of this Court and as of now, no special leave petition has been filed, the respondents cannot have any right or claim over the subject land on the mere pretext that they are going to file a special leave petition. Thus, this court is of the view that unless the judgement of the Division Bench of this court is set aside, the respondents are duty bound to re-convey the the subject land to the petitioner.



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The writ petition succeeds accordingly.

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In the result, the writ petition is allowed and the respondents are directed to re-convey the subject land to the petitioners as per law within a period of three months from the date of receipt of a copy of this order. No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

01..07..2024

TO

- 1.The Secretary to Government,
Revenue Department, Government of Tamil Nadu, Chennai 600 009.
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