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W.P.No.27449 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.27449 of 2024

1.M.P.Gopalakrishnan
2.M.P.Srinivasan

... Petitioners

Vs.

1.The Assistant Commissioner (Urban Landtax)
Poonamallee Zone,
Poonamallee, Chennai 600 056

2.The Collector
Tiruvallur, Pincode 602 001

3.The Tahsildar
Avadi Taluk, Avadi, Chennai 600 054

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Direct the respondents to grant patta to the petitioners for their property, namely Plot No.54, Jain Nagar, of extent 2800 Sq.ft comprised in survey No 257 Ayappakkam village, maduravoyal taluk (now Avadi Taluk) as done in the case of the petitioners in writ petitions Nos. 1665 to 1672 of 2015, 3574, to 3550 of 2015, 3554 to 3556 of 2015.



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For Petitioner : M/s.P.Rejendran

For Respondents : M/s.A.Selvendran, Spl.G.P
for R1 to R.3.

ORDER

This Writ Petition is filed for a Mandamus, to direct the respondents to grant patta to the petitioners for their property, namely Plot.No.54, Jain Nagar, of extent 2800 Sq.ft comprised in survey No 257 Ayappakkam village, Maduravoyal Taluk (now Avadi Taluk) as done in the case of the petitioners in writ petition Nos. 1665 to 1672 of 2015, 3574, to 3550 of 2015, 3554 to 3556 of 2015.

2. The petitioners are the owners of Plot No.54, Jain Nagar to an extent of 2800 sq.ft., comprised in Survey No.257, Ayapakkam Village, Maduravoyal Taluk. The said property is part of a larger extent of 4.68 acres of land which belonged to Tmt.Mohana Bai who formed a layout in the name of Jain Nagar and it was duly approved by the Deputy Director of Town Planning, in LPDM/DDTP No.45 of 1974 and thereafter all the house plots were sold out to various persons. Patta was not issued to any of the plot owners on the ground



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that the above said lands which belonged to the above said person were subject matter of Urban Land Ceiling proceedings. Some of the plot owners approached this Court and filed Writ Petition in W.P.Nos.1665 to 1672 of 2015, 3547 to 3550 of 2015, 3554 to 3556 of 2015 for directing the respondents to refrain from pursuing any action initiated under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 in respect of their lands in Survey No.257, Ayapakkam Village on the ground that actual and physical possession of the lands were not taken from the said Mohanabai or from the subsequent purchases before the repeal of the Urban Land Ceiling Act which was repealed on 18.03.1999. The said writ petitions were allowed on 14.09.2021. The 3rd respondent issued pattas to them in and by his proceedings dated 16.11.2022. Till date the respondents had not filed any appeal against the orders passed in the said writ petitions. They submitted a representation to the respondents on 11.09.2023 requesting for grant of patta for their property as done in the case of the petitioners in the above said writ petitions.

3. Heard the learned counsels on either side.



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4. It is seen that on 16.11.2022, the 3rd respondent has issued patta to similarly placed persons, whose writ petitions have been allowed. Therefore, in the light of the above, this petitioners are also entitled to similar relief and the same order shall be passed in the case of the present writ petitioners and the 3rd respondent is directed to issue patta to the petitioners within a period of two weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

21.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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P.T. ASHA. J.,

(shr)

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