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W.P.No.28699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.28699 of 2024

and

WMP.Nos.31295 & 31296 of 2024

J.Arunkumar

...Petitioner

Vs.

- 1.The Secretary to Government
Revenue and Disaster Management Department
Fort St.George
Chennai 600 009.
- 2.The Special Commissioner and
Commissioner Urban Land Ceiling & Urban Land Tax
Ezhilagam, Chepauk
Chennai 600 005.
- 3.The Assistant Commissioner
Urban & Land Taxes, Tambaram Circle
Karuneegar Street, Adambakkam
Chennai 600 088.
- 4.Public Information Officer/Superintendent
Urban & Land Tax Office, Tambaram (E)
Karuneegar Street, Adambakkam
Chennai 600 088.



W.P.No.28699 of 2024

5.The Tahsildar
Taluk Office
Pallavaram Taluk
Pallavaram
Chennai 600 043.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in proceedings in Na.Ka.No.1336/2023/C dated 24.08.2023 and quash the same as illegal, null and void and consequently direct the fourth respondent to issue patta based on the petitioner's application/representation dated 25.07.2023 in favour of the petitioner pertaining to subject property situated at Pozhichalur Village, Balaji Nagar, comprised in Survey Nos.16/2 part and 16/3 part, Plot No.53, measuring an extent of 1740 sq.ft., Pallavaram Taluk, Chengalpattu District, Pammal Sub-Registration District, South Chennai Registration District.

For Petitioner : Mr.T.Ramachandran

For Respondent : Mr.Arasakumar for R1 to R5
Government Advocate



W.P.No.28699 of 2024

ORDER

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Aggrieved by the information furnished to the petitioner under Right to Information Act dated 24.08.2023 the petitioner has come by way of this Writ Petition.

2. According to the petitioner, he is the owner of the subject property situated in S.Nos.116/2 part and 16/3 part, Plot No.53 at Pallavaram Taluk, Chengalpattu District, Pammal Sub-Registration District, South Chennai Registration District having acquired the same under sale deed dated 09.10.2019 and settlement deed dated 08.07.2023. The petitioner approached the respondents 2 & 3 to obtain information whether the subject property was covered under the Urban Land & Ceiling notification. In response to the query raised by the petitioner under Right to Information Act, the fourth respondent by impugned communication furnished information to the petitioner stating that on 08.05.1992 the property was declared as surplus in the hands of one Balakrishna Mudaliar and the property was taken possession and handed over to the Revenue Department. The said information was furnished by the fourth respondent. Aggrieved by the same, the petitioner is before this Court.



W.P.No.28699 of 2024

WEB COPY

3. The impugned order is only an information furnished by the fourth respondent and the same cannot be a subject matter of challenge. If the petitioner is not satisfied with the information furnished by the fourth respondent, it is open to him to file an appeal before the Appellate Authority under the Right to Information Act. On the other hand, if the petitioner is aggrieved by the proceedings initiated under the Urban Land and Ceiling Act, it is for the petitioner to challenge the relevant notification, but the information furnished by the fourth respondent cannot be a subject matter a challenge in a Writ Petition.

4. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



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