



WP.No.35817 of 2024

In the High Court of Judicature at Madras

Dated : 03.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35817 of 2024

K.Vasudevan

...Petitioner

Vs

1.The Assistant Commissioner
Urban Land Ceiling, Urban Land Tax
Adambakkam, Chennai 600 083.

2.The Tahsildar, Pallavaram Taluk
Chengalpattu District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to effect the transfer of name in the revenue records including patta in favour of the petitioner in respect of the land comprised in Survey No.90 (as per patta Survey No.90/1) measuring an extent of 70 cents, situated at Nemilicherry Village, now Pallavaram Taluk, Chengalpet District within the time fixed by this Court.

For Petitioner : Mr.K.Premkumar
For Respondents : Mr.G.Velu, AGP



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ORDER

As the request for transfer of patta, on the basis of succession, made on 25.7.2024 and renewed on 25.9.2024 has not been considered to date, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The case of the petitioner is as follows :

(i) The land in Survey No.90 (as per patta Survey No.90/1) measuring an extent of 70 cents, situated at Nemilicherry Village, Pallavaram Taluk, Chengalpet District belonged to the petitioner's mother, on whose death on 20.5.2008, the said property devolves upon the petitioner and his siblings. The petitioner's siblings released their right in respect of the said property in favour of the petitioner by executing two release deeds dated 25.3.2013 vide doc.Nos.2238 and 2239 of 2013 on the file of the Sub-Registrar, Pallavaram.

(ii) The said property was subjected to urban land ceiling proceedings. Hence, the petitioner filed W.P.No.9132 of 2015 before this Court. Further, by order dated 31.1.2020, a learned Single Judge of this Court allowed the said writ petition and directed the



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respondents therein to effect name transfer in the patta. The respondents therein challenged the said order dated 31.1.2020 by filing W.A.No.2738 of 2021 and the First Bench of this Court dismissed the said writ appeal on 26.4.2024. Thereafter, the petitioner once again renewed his request for the grant of patta, which has not been considered to date.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

5. A learned Single Judge of this Court passed the order dated 31.1.2020 in W.P.No.9132 of 2015 wherein it has been observed as follows :

"In the light of the above, the writ petition stands allowed and the impugned proceedings are quashed and the respondents are directed to restore the revenue entries in the name of the petitioner's mother and it is open to the petitioner to seek for mutation of his name in the patta. This direction shall be complied with by the respondents within a period of three (3) months from the date of receipt of a copy of this order."



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6. At the instance of the official respondents, the said order of the learned Single Judge of this Court was confirmed by the First Bench of this Court. However, till date, the said order of the learned Single Judge of this Court has not been complied with. Further, the said representations of the petitioners have not yet been considered.

7. In the light of the above, the writ petition is allowed and a Mandamus is issued to the respondents to consider the said representations of the petitioner dated 25.7.2024 and 25.9.2024 and comply with the order of the learned Single Judge of this Court dated 31.1.2020 in W.P.No.9132 of 2015 as confirmed by the First Bench of this Court within a period of four weeks from the date of receipt of a copy of this order. No costs.

03.12.2024

To

1. The Assistant Commissioner
Urban Land Ceiling, Urban Land Tax
Adambakkam, Chennai 600 083.
2. The Tahsildar
Pallavaram Taluk
Chengalpattu District.

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