IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.5824/2016

C.S.Manmatha Raman .. Petitioner

Vs

1.The Secretary to Government
State of Tamil Nadu, Revenue
Department, Secretariat,
Chennai-9.

2.The Special Commissioner & Commissioner
for Urban Land Celing and Urban Land Tax,
O/o.The Commissionerate of Urban Land Tax
Chepauk, Chennai-5.

3.The Assistant Commissioner
Urban Land Taxes, Thandayar Pettai Division
No.409, EVR Periyar High Road, 2nd Floor
Aminjikarai, Chennai-29. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of mandamus directing the 2nd respondent to consider the claim of the petitioner and pass orders on the representation of the petitioner dated 16.11.2015 within a reasonable time in regard to regularisation of innocent purchaser land as per the Government Order issued in G.O. [Ms] No.565, Revenue [Na Ni U1 [1]] Department dated 26.09.2008.

For Petitioner : Mr.G.Elanchezhiyan
For R1 to R3 : Mr.R.Rajeswaran

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ORDER

Heard Mr.G.Elanchezhiyan, learned counsel for the petitioner ; learned Mr.R.Rajeswaran, learned Special Government Pleader accepting notice on behalf of the respondents and with their consent, this writ petition is taken up for final disposal at the admission stage itself.

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2 The petitioner seeks for issuance of a writ of mandamus to direct the 2nd respondent to consider the petitioner's representation dated 16.11.2014 insofar as regularisation of the innocent purchasers like that of the petitioner as per G.O.[Ms] No.565, Revenue Department dated 26.09.2008.

3 The petitioner appears to have purchased a property which is a housing plot in T.S.No.12/1C and 12/1D Block No.3 and 3A at Sembium village, Perambur Taluk, measuring an extent of 2400 sq.ft. vide Sale Deed dated 22.12.1984 from his vendors for a valid consideration. The petitioner, after purchase, has obtained building plan approval and has put up a residential building and residing in the said building for several years. The petitioner subsequently came to know that the lands in which the housing layout was developed, was declared as surplus lands under the provisions of the Tamil Nadu Urban Land Ceiling and Regulation Act in the hands of the original land owner. The petitioner would state that he was unaware about the same and he is a bona fide purchaser for valid consideration. It appears that similarly placed persons were there in the State of Tamil Nadu who have purchased properties which were declared as surplus lands under the provisions of the Act. With the knowledge of such proceedings, the Government thought it fit to take note of the plight of such of those persons and classified the purchasers as “innocent buyers” and to give them reprieve, the Government decided to regularise their purchase, collecting appropriate land value, based on the location of the property. In this regard, a Government Order was issued in G.O. [Ms] No.565, Revenue Department dated 26.09.2008.

4 It cannot be disputed that the petitioner would be entitled to the benefit of the said Government order and in fact, when the petitioner applied for consideration of his case, the authorities have called upon him to produce all the documents and the petitioner has also produced those documents pursuant to the intimation given by the 3rd respondent on 08.04.2015. However, till date, the petitioner's request has not been considered and the matter is pending. In this regard, the petitioner has submitted a representation to the 2nd respondent on 16.11.2015. According to the petitioner, the 3rd respondent, on a perusal of the documents produced by the petitioner, has submitted appropriate report to the 2nd respondent. However, the petitioner does not have any proof to show that such report has been submitted and it is his averment in the writ affidavit.

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5 Be that as it may, now since the issue is pending consideration before the 2nd respondent, it would be appropriate for the 2nd respondent to consider the petitioner's request and if the report has not been submitted by the 3rd respondent, a direction may be issued to the 3rd respondent to submit such report within a period of three weeks from the date of receipt of a copy of this order and on receipt of such report and after considering the entire facts, the 2nd respondent shall pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of the report received from the 3rd respondent.

6 The writ petition is disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To
1.The Secretary to Government
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for Urban Land Celing and Urban Land Tax,
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No.409, EVR Periyar High Road, 2nd Floor
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+1 cc to Mr.G.Elanchezhiyan Advocate sr.10330/16
+1 cc to Government Pleader sr.10272/16

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