

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31740 of 2016

K.Jagannathan

...Petitioner

-vs-

1. The Secretary to Government
Revenue Department
Government of Tamil Nadu
Fort St.George
Chennai 600 009
2. The Commissioner
Office of the Commissioner for Urban Land
Ceiling & Urban Land Tax
Chepauk
Chennai 600 005
3. The Assistant Commissioner
Office of Urban Land Ceiling
Tambaram Zone
153, Karuneegam Street
Adambakkam
Chennai 600 088

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to regularize the innocent purchase of land made by the petitioner to an extent of 6232 sq.ft in Survey No.78/2F in Doc.No.5946/1984 at Sellaiyur Village, Tambaram, Chennai based on the report forwarded to the second respondent made by the third respondent in R.C.No.758/2009 dated 17.06.2015 after deducting to an extent of 59 sq.mt for sewage and street.

For Petitioner:: Mr.D.Veerasekaran

For Respondents:: Mr.R.Govindasamy
Special Government Pleader

ORDER

This writ petition has been filed by Mr.K.Jagannathan, claiming to be an innocent purchaser of the land covered in Survey No.78/2F situated at Sellaiyur Village, Tambaram, Chennai, seeking issuance of a writ of mandamus, directing the Secretary to Government, Revenue Department, the first respondent herein to regularize the innocent purchase of land to an extent of 6232 sq.ft in Survey No.78/2F in Doc.No.5946/1984 at Sellaiyur Village, Tambaram, Chennai on the basis of the report forwarded to the Commissioner for Urban Land Ceiling and Urban Land Tax, the second respondent herein made by the Assistant Commissioner, Urban Land Ceiling, Tambaram Zone, the third respondent herein in R.C.No.758/2009 dated 17.06.2015 after deducting to an extent of 59 sq.mt for sewage and street.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The recommendation made by the Commissioner, Urban Land Ceiling and Urban Land Tax, Chennai, the second respondent herein dated 9.11.2015, based on the report of the third respondent, shows that the lands covered in Survey Nos.78/2F, 2C and 348/1C1A of Selaiyur Village having an extent of 4480 square metres were acquired under the provisions of the Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1978 from Tmt.Shohara Nachiar and the possession was handed over to the revenue authorities on 21.11.96. However, during inspection, it was found that there was a building in the land. Subsequently, Writ Petition No.221 of 2015 filed by the petitioner seeking a direction to the Assistant Commissioner (ULT) Tambaram to consider his representation, as he was a bona fide purchaser, was disposed of on 7.1.2015 directing the third respondent herein to consider the representation and to pass appropriate orders within a period of six weeks from the date of receipt of copy of the order. Pursuant thereto, the Assistant Commissioner (ULT), Tambaram Zone also enquired into the case of the petitioner on 13.5.2015, as per the instructions issued by the Government in Letter No.4506/ULC 1(2)/2011-29 dated 3.12.2014. Since the petitioner gave his consent to pay the land value fixed by the Government in the said enquiry, the third respondent has sent the proposals for regularization of his land along with the following records:-

- (i) Statement given by the petitioner
- (ii) Encumbrance Certificate (dated 27.7.2015)
- (iii) ID proof and residential proof (Ration Card & EPIC card)

Thereafter, the third respondent in his report dated 16.10.2015 had also stated that out of 6232 square feet purchased by the petitioner, an extent of 762 square feet has been used for road

and underground drainage and only an extent of 5470 square feet has been in the possession of the petitioner. Based on the report submitted by the third respondent, the second respondent, applying G.O.Ms.No.565, Revenue, ULC 1(2) Department dated 26.9.2008, has also worked out the land value as follows:-

1	Land value fixed by Govt.in respect of Tambaram Zone	= Rs.55,750/- per ground = Rs.250/- per sq.mts.
2	Land value arrived for 5470 sq.ft./508.2 sq.mts., purchased by the petitioner	=508.2 sq.mts. x Rs.250/- =Rs.1,27,050/-
3	Since the purchased extent is more than 1 ½ grounds, two times of land value is	= Rs.1,27,050/- x 2 =Rs.2,54,100/-

With these facts, the second respondent has recommended to the first respondent/Government to pass orders regularizing the innocent purchase made by the petitioner. Till date, the same has not been acted upon.

4. This Court, considering the long pendency of the recommendation made by the second respondent based on the report of the third respondent, hereby directs the first respondent to pass final orders on the request of the petitioner, on the basis of the recommendation made by the second respondent, within a period of ten weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

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To

1. The Secretary to Government
Revenue Department
Government of Tamil Nadu
Fort St.George
Chennai 600 009

2. The Commissioner
Office of the Commissioner for Urban Land
Ceiling & Urban Land Tax
Chepauk
Chennai 600 005

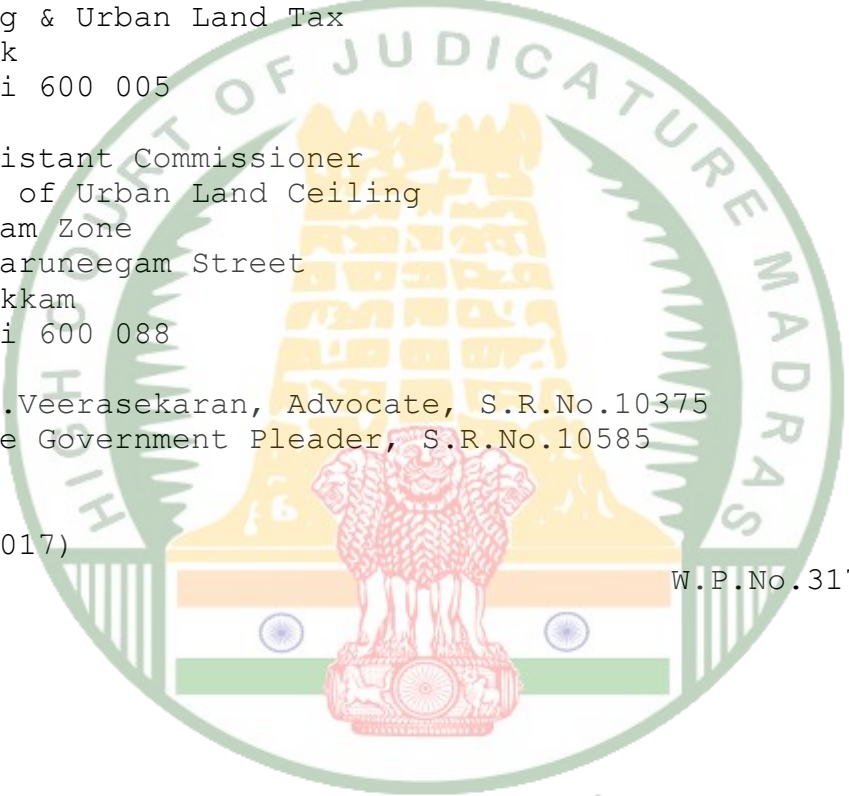
3. The Assistant Commissioner
Office of Urban Land Ceiling
Tambaram Zone
153, Karuneegam Street
Adambakkam
Chennai 600 088

+1cc to Mr.Veerasekaran, Advocate, S.R.No.10375

+1cc to the Government Pleader, S.R.No.10585

KJI (CO)
RS (08/03/2017)

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