

In the High Court of Judicature at Madras

Dated : 06.6.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.4137 of 2018

M.Selvaraj

...Petitioner

Vs

1.The Secretary to Government,
Revenue Department, Secretariat,
Chennai-9.

2.The Commissioner of Urban Ceiling
and Urban Land Tax, Chennai-5.

3.The Tahsildar, Ambattur Taluk,
Ambattur, Chennai.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to dispose the application of the writ petitioner dated 06.3.2015 to regularize the petitioner's housing site to an extent of 5,220 sq.ft in Survey No.209/1A2/2B of Korattur Village, Chennai in a reasonable time fixed by this Court.

For Petitioner : Mr.A.Chellakumar

For Respondents : Mr.R.P.Pratap Singh, GA

ORDER

Heard both.

2. The petitioner has filed this writ petition to direct the first respondent to dispose the application of the petitioner dated 06.3.2015 to regularize the housing site to an extent of 5,220 sq.ft in Survey No.209/ 1A2/2B of Korattur Village, Chennai within a reasonable time.

3. The petitioner is stated to have purchased the said housing site by two sale deeds registered as doc.Nos.484 and 485 of 2003 dated 19.2.2003 without being aware of the fact that the

said land has been declared as a surplus land under the provisions of the Tamil Nadu Urban Land Ceiling and Regulation Act in the hands of the original land owner. It appears that there were several persons like the petitioner, who purchased various extents of lands in and around the city of Chennai and those purchases were the subject matter of the proceedings under the said Act. The Government, taking note of the plight of the innocent buyers, issued a Government Order in G.O.Ms.No.565 dated 26.9.2008 granting a reprieve to those innocent buyers by directing them to pay a consolidated amount towards the lands owned by them for the purpose of regularizing the purchase effected by those persons.

4. It is pointed out by the learned counsel for the petitioner that the Assistant Commissioner of Urban Land Tax, Ambattur, vide letter in Na.Ka. No.Aa/175/2015 dated 26.6.2015, communicated the facts, which were recorded in the file dated 30.7.1996 stating that the lands formed part of the lands, which were declared as excess vacant lands from the original land owner one Mr.K.Elumalai, that no compensation was paid to the said Mr.K. Elumalai, that after acquisition of the lands under the said Act, the lands were not allotted to any third party and that no cases were pending before the High Court.

5. Thus, in effect, there is a recommendation to consider the petitioner's case for the purpose of granting relief as contemplated under G.O.Ms.No.565 dated 26.9.2008. It is relevant to point out that a similar prayer was sought for before this Court in the case of Mrs.A.Rosalind Santhi and another Vs. State of Tamil Nadu [W.P.Nos.21484, 21485 and 21487 of 2014] and this Court allowed the said writ petitions by a common order dated 12.3.2015 directing the representations of those writ petitioners to be considered in the light of the said Government Order dated 26.9.2008. Considering the above, this Court is inclined to issue appropriate directions to the first respondent to consider the petitioner's case.

6. The learned Government Advocate appearing for the respondents submits that reasonable time may be granted to the first respondent to consider and pass orders.

7. Accordingly, the writ petition is disposed of with a direction to the first respondent to consider the application of the petitioner dated 06.3.2015 on merits and pass appropriate orders in accordance with law, by taking into consideration the Government Order in G.O.Ms.No.565 dated 26.9.2008 and the

proceedings of the Assistant Commissioner of Urban Land Tax, Ambattur dated 26.6.2015, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rs

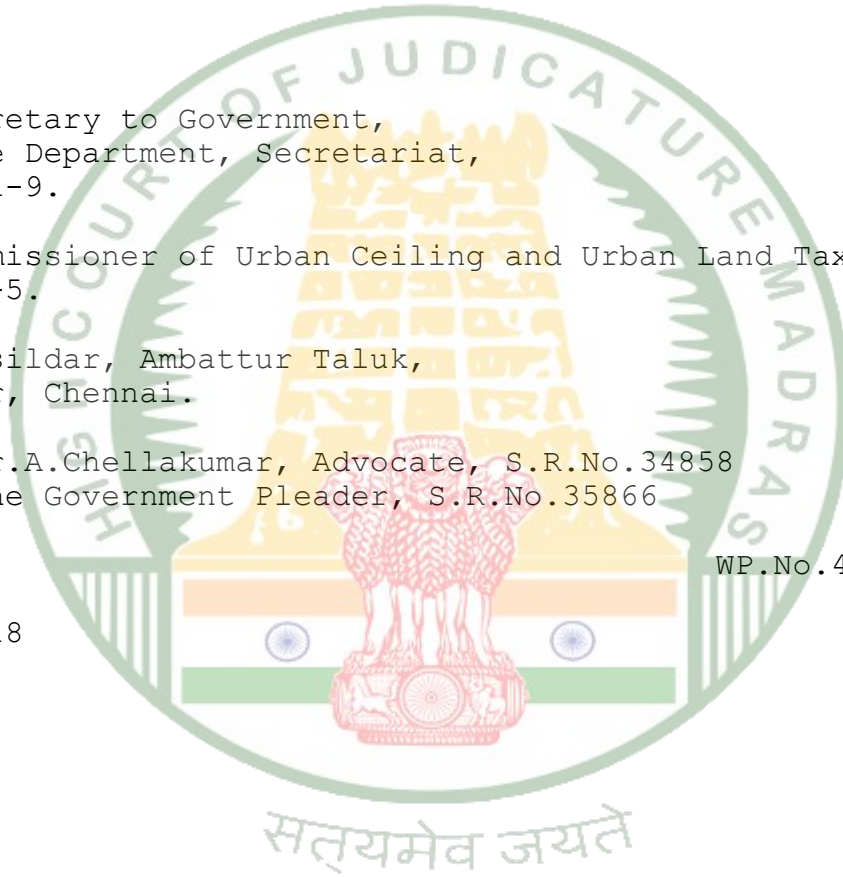
To

- 1.The Secretary to Government,
Revenue Department, Secretariat,
Chennai-9.
- 2.The Commissioner of Urban Ceiling and Urban Land Tax,
Chennai-5.
- 3.The Tahsildar, Ambattur Taluk,
Ambattur, Chennai.

+1cc to Mr.A.Chellakumar, Advocate, S.R.No.34858
+1cc to the Government Pleader, S.R.No.35866

WP.No.4137 of 2018

CS/13/06/18



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