

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1018 of 2010

M.Selvakumar

... Petitioner

Vs.

- 1.The Secretary to Government,  
Revenue Department,  
Secretariat, Chennai.
- 2.The Secretary Tamilnadu Slum Clearance Board  
Office at Kamarajar Salai,  
Chennai.
- 3.The Director of Urban Land Ceiling,  
Urban Land Tax,  
Ezhilagam, Chepauk, Chennai - 5.
- 4.The Member Secretary,  
MMDA, No.15, EVK Sampath Road,  
Chennai - 7.
- 5.The Assistant Commissioner,  
Urban Land Tax,  
No.153, Karunigar Street,  
Tambaram, Adambakkam, Chennai - 88.
- 6.Chandraledu
- 7.Anito Vijayan
- 8.P.Murugesan

... Respondents

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1<sup>st</sup> respondent to exclude plot.12 and 13 in Perungalathur S.No.412/2 taken over under Urban Land Ceiling and direct the 1<sup>st</sup> respondent to regularize the two sale deeds dated 19.04.2007 on collection of value as per G.O.565 dated 26.09.2008 and confer title on the petitioner.

For Petitioner : Mr.N.A.Nissar Ahmed, I.Kowsar Nissar  
For R1 to R5 : Mr.J.Ramesh, AGP  
For R6 to R8 : No Appearance

ORDER

The prayer made in this writ petition is to issue a writ of mandamus, directing the first respondent to exclude plot nos.12 and 13 in S.No.412/2 of Perungalathur Village from the Urban Land Ceiling Act and regularize the two sale deeds dated 19.04.2007 on collection of value as per G.O.Ms.No.565 Revenue ULC1(1) Department, dated 26.09.2008 and confer title on the petitioner.

2.It is the case of the petitioner that he purchased the two plots in S.No.412/2 of Perungalathur Village under two sale deeds dated 19.04.2007 from one Anito Vijayan (seventh respondent herein) through his power of attorney Murugesan (eight respondent herein). Thereafter, he approached the authorities concerned with a request to grant patta in respect of the aforesaid plots, which was rejected on the ground that neither the seventh respondent nor the eight respondent have any right or title over the plots in question to sell the same, as the plots in question have already been taken over by the Government under the Urban Land Ceiling Act. Immediately, he applied to the Assistant Commissioner, Urban Land Tax to release the plots in question. Subsequently, by a communication dated 07.02.2008, he was called upon to appear for enquiry on 03.03.2008 with necessary documents. Accordingly, he appeared for enquiry and submitted all the required documents. However, till date, no order was passed by the authorities.

3.It is the further case of the petitioner that the Government passed an order in G.O.Ms.No.565 dated 26.09.2008 to regularise the purchase of lands by the innocent buyers covered under the Urban Land Ceiling Act on payment of amount fixed by the Government. Pursuant to the same, the petitioner gave a representation dated 11.11.2009 to the Director of Urban Land Ceiling and Urban Land Tax, which is pending without any consideration. Hence, this writ petition.

4.When the matter was taken up for consideration, the learned counsel for the petitioner produced a copy of the order dated 12.03.2015 passed in W.P.Nos.21484, 21485, 21486 and 21487 of 2014, wherein, this Court, in similar circumstances, held that the innocent buyers are entitled to the benefits as per G.O.Ms.No.565 Revenue ULC1(1) Department dated 26.9.2008 and allowed the aforesaid writ petitions, in the following lines:

"In these circumstances, I direct the respondents to receive the payments from the

petitioners as per G.O.Ms.No.565 dated 26.9.98 under the Innocent Buyers Category for the land measuring an extent of 28 cents i.e., 12208 sq.ft (in respect of the petitioner in W.P.No.21484 of 2014) and an extent of 15 cents i.e., 6540 sq.ft (in respect of the petitioner in W.P.No.21486 of 2014) in S.No.412/2 in Perunkalathur Village, Tambaram Taluk, Kancheepuram District, Tamil Nadu and confirm the title and possession of the petitioners over their respective lands.

With regard to W.P.Nos.21485 and 21487 of 2014, I direct the first respondent to consider the petitioners' representations dated 28.2.2014 and pass orders in the light of G.O.Ms.No.565 dated 26.9.1998 and also the order passed in the writ petitions in W.P.Nos.21484 and 21486 of 2014, within a period of eight weeks from the date of receipt of copy of this order."

Therefore, the learned counsel sought for similar order in this writ petition as well.

5.The learned Additional Government Pleader appearing for the official respondents has no serious objection in granting such relief to the petitioner herein.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the official respondents, this Court is inclined to dispose of this writ petition in the light of the aforesaid order of this Court dated 12.03.2015 passed in W.P.Nos.21484, 21485, 21486 and 21487 of 2014.

7.Accordingly, this writ petition is disposed of, directing the first respondent to consider the representation of the petitioner dated 11.11.2009 and pass appropriate orders in the light of G.O.Ms.No.565 Revenue ULC1(1) Department, dated 26.9.2008 and also the earlier order of this Court dated 12.03.2015 passed in W.P.Nos.21484, 21485, 21486 and 21487 of 2014, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,  
Revenue Department,  
Secreteriate, Chennai.

2.The Secretary Tamilnadu Slum Clearance Board  
Office at Kamarajar Salai,  
Chennai.

3.The Director of Urban Land Ceiling,  
Urban Land Tax,  
Ezhilagam, Chepauk, Chennai - 5.

4.The Member Secretary,  
MMDA, No.15, EVK Sampath Road,  
Chennai - 7.

5.The Assistant Commissioner,  
Urban Land Tax,  
No.153, Karunigar Street,  
Tambaram, Adambakkam, Chennai - 88.

+1cc to Mr.N.A.Nissar Ahamed, Advocate, S.R.No.39485

+1cc to the Government Pleader, S.R.No.39609

W.P.No.1018 of 2010

BM 18/07/2018.

सत्यमेव जयते

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