

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM:

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.14512 of 2018

I.Ezhilarasan,

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by Principal
Secretary to Government,
Revenue Department, Fort St. George,
Chennai.
- 2.The Principal Secretary,
Urban and Housing Department,
Fort St.George, Chennai.
- 3.The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai.
- 4.The Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Ezhilagam, Chepauk, Chennai.
- 5.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Tambaram, Karuneegar Street,
Adambakkam, Chennai - 88.
- 6.The Tahsildar,
Tambaram Taluk,
Kancheepuram District.

...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to receive payment from the petitioner as per GO Ms.565 dt 26/9/08 under the innocent buyers category for the property bearing Plot No.4, in S.No.412/2, situate in No.167, New No.28, Perungalathur Village, Meera Nagar Layout near Venkateswara Nagar, measuring 2400 sq.ft (5.5 cents) and confirm the title and possession on the petitioner over the afore said land and pass such further or other orders.

For petitioner : Mr.N.A.Nissar Ahmed

For respondents: Mr.Akhil Akbar Ali for R1, R2, R4 to R6
Mr.R.Sivakumar for R3.

O R D E R

The relief sought for in the present writ petition is to direct the respondents to receive payment from the petitioner as per G.O.Ms.No.565 dated 26.09.2008 under the innocent buyers category for the property bearing Plot No.4 in S.No.412/2, situate in No.167, New No.28, Perungalathur Village, Meera Nagar Layout near Venkateswara Nagar, measuring 2400 sq.ft (5.5 cents) and confirm the title and possession on the petitioner over the aforesaid land.

2. Learned counsel for the writ petitioner states that the writ petitioner submitted an application with reference to the Government Order passed in G.O.Ms.No.565 dated 26.09.2008 under the category of innocent purchasers.

3. Learned counsel appearing on behalf of Tamil Nadu Slum Clearance Board made a submission that the land taken by the Government had already been handed over to the Tamil Nadu Slum Clearance Board and the writ petitioner is attempting to encroach upon the land which were already handed over to the Tamil Nadu Slum Clearance Board during the year 2006 itself. Thus, the case of the writ petitioner cannot be considered.

4. However, this Court is of an opinion that all such facts and circumstances based on the materials available on record shall be considered by the competent authorities.

5. In this view of the matter, the first respondent is directed to consider the representation submitted by the writ petitioner on 27.06.2017 and pass orders on merits and in accordance with law by affording an opportunity to the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. Writ Petitioner is directed to enclose the copy of the representation and all other relevant documents along with the copy of this order passed in the writ petition.

6. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm/mp

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Revenue Department, Fort St.George,
Chennai.

2.The Principal Secretary,
Urban and Housing Department,
Fort St.George, Chennai.

3.The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai.

4.The Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Ezhilagam, Chempauk, Chennai.

5.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Tambaram, Karuneeagar Street,
Adambakkam, Chennai - 88.

6.The Tahsildar,
Tambaram Taluk, Kancheepuram District.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No. 88120

+1cc to the Special Government Pleader, S.R.No. 88382

W.P.No.14512 of 2018

SVN(CO)
GN(21/01/2019)

सत्यमेव जयते

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