

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.12.2018

CORAM

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

W.P.Nos.24666, 21294 to 21301 of 2018

C.Sundaran ..Petitioner in W.P.No.24666 of 2018
A.Senthil Kumar ..Petitioner in W.P.No.24294 of 2018
S.Malini ..Petitioner in W.P.No.24295 of 2018
A.Amudhavalli ..Petitioner in W.P.No.24296 of 2018
K.Vasundara ..Petitioner in W.P.No.24297 of 2018
S.Thiagarajan ..Petitioner in W.P.No.24298 of 2018
S.Subramanian ..Petitioner in W.P.No.24299 of 2018
R.Ravisekar ..Petitioner in W.P.No.24300 of 2018
Annapoorani Ramesh ..Petitioner in W.P.No.24301 of 2018

vs

1.The State of Tamil Nadu,
Rep.by Principal Secretary to Government,
Revenue Department, Fort St.George,
Chennai - 01.

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

3.The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai - 05.

4.The Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Ezhilagam, Chepauk, Chennai - 05.

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 in all WPs

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondents to receive payment from the petitioner

as per GO MS.565 dt 26.09.1998 under the innocent buyers category for the property bearing Plot No.33, Meera Nagar, in S.No.412/2(Part), situate in No.167, Perungalathur Village, admeasuring 4.59 cents and confirm the title and possession on the petitioner over the afore said land as sought vide application dated 10.05.2016.

WP No.21294 of 2018: Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ Directing the respondents to receive payment from the petitioner as per GO.Ms. 565 dated 26.9.98 under the innocent buyers category for the property bearing Plot No. 18, in S.No. 412/ 2 (Part), situate in No. 167, Perungalathur Village, admeasuring 4.12 cents and confirm the title and possession on the petitioner over the afore said land as sought vide application dated 15.9.16

WP No.21295 of 2018: Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ Directing the respondents to receive payment from the petitioner as per GO.Ms. 565 dated 26.9.98 under the innocent buyers category for the property bearing Plot No. 8, Meera Nagar Extension in S.No. 412/ 2 (Part), situate in No. 167, Perungalathur Village, admeasuring 2100 sq.ft and confirm the title and possession on the petitioner over the afore said land as sought vide application dated 15.9.16

WP No.21296 of 2018: Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ Directing the respondents to receive payment from the petitioner as per GO.Ms. 565 dated 26.9.98 under the innocent buyers category for the property bearing Plot No. 43, in S.No. 412/ 2 (Part), situate in No. 167, Perungalathur Village, admeasuring 4.58 cents and confirm the title and possession on the petitioner over the afore said land as sought vide application dated 15.9.16

WP No.21297 of 2018: Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ Directing the respondents to receive payment from the petitioner as per GO.Ms. 565 dated 26.9.98 under the innocent buyers category for the property bearing Plot No. 34, Meera Nagar, in S.No. 412/ 2 (Part), situate in No. 167, Perungalathur Village, admeasuring 4.59 cents and confirm the title and possession on the petitioner over the afore said land as sought vide application dated 11.5.16

WP No.21298 of 2018: Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ Directing the respondents to receive payment from the petitioner as per GO.Ms. 565 dated 26.9.98 under the innocent buyers category for the property bearing Plot No. 44, in S.No. 412/ 2 (Part), situate in

No. 167, Perungalathur Village, admeasuring 4.58 cents and confirm the title and possession on the petitioner over the afore said land as sought vide application dated 15.9.16

WP No.21299 of 2018: Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ Directing the respondents to receive payment from the petitioner as per GO.Ms. 565 dated 26.9.98 under the innocent buyers category for the property bearing Plot No. 6, in S.No. 412/ 2 (Part), situate in No. 167, Perungalathur Village, admeasuring 5.47 cents and confirm the title and possession on the petitioner over the afore said land as sought vide application dated 18.9.16

WP No.21300 of 2018: Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ Directing the respondents to receive payment from the petitioner as per GO.Ms. 565 dated 26.9.98 under the innocent buyers category for the property bearing Plot No. 35, in S.No. 412/ 2 (Part), situate in No. 167, Perungalathur Village, admeasuring 5.1 cents and confirm the title and possession on the petitioner over the afore said land as sought vide application dated 16.9.16

WP No.21301 of 2018: Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ Directing the respondents to receive payment from the petitioner as per GO.Ms. 565 dated 26.9.98 under the innocent buyers category for the property bearing Plot No. 31 in S.No. 412/ 2 (Part), situate in No. 167, Perungalathur Village, admeasuring 4.59 cents and confirm the title and possession on the petitioner over the afore said land as sought vide application dated 15.9.16.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : M/s.R.Janaki,
Additional Government Pleader
for R1, R2, R4 to R6
Mr.B.Kesavan for R3

C O M M O N O R D E R

The relief sought for in these writ petitions is for a direction to 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 Nos.33,18,8,43,34,44,6,35,31 Meera Nagar, in S.No.412/2(Part), situate in No.167, Perungalathur Village, admeasuring 4.59 cents, 4.12 cents, 2100 sq.ft, 4.58, 4.59, 4.58, 5.47, 5.1, 4.59 cents and confirm the title and possession on the petitioner over the afore said land as sought vide applications

dated 10.05.2016, 15.09.2016, 15.09.2016, 15.09.2016,
11.05.2016, 15.09.2016, 18.09.2016 16.09.2016, 15.09.2016.

2.The learned counsel for the writ petitioners made a submission that under the Land Ceiling Act, the excess land belonged to the writ petitioners were declared under the Act and the respondents are yet to take possession. The learned counsel for the writ petitioners further state that the writ petitioners were subsequent purchasers and they have falling under the innocent purchaser as per the orders issued by the Government. The Government issued orders in G.O.Ms.No.565 dated 26.09.2008, providing some benefit to the innocent purchasers in respect of the re-conveying the land, which was acquired under the Land Ceiling Act.

3.The learned counsel appearing on behalf of the respondents state that the possession had already been taken by the respondents and the Government had already allotted the land to the Slum Clearance Board and now, the possession is with the Slum Clearance Board and therefore, the case of the writ petitioners cannot be considered for re-conveyance with reference to the Government orders in force.

4.Considering the rival submissions made on behalf of the writ petitioners and the respondents, this Court is of an opinion that when the statutory process had already been completed and a benefit was extended by way of a Government order in G.O.Ms.No.565 dated 26.09.2008, the case of the writ petitioners is to be considered in the light of the policies of the Government. This Court is of an opinion that if at all the writ petitioners are eligible, as per the Government orders and as per the law in force, then the case of the petitioners shall be considered on merits.

5.Thus, without going into the merits of the matter, the 1st respondent is directed to consider the case of the writ petitioners and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioners are also directed to enclose the copy of the representation and all other relevant documents, if any, along with the order passed in the writ petitions.

5.With these directions, all the writ petitions stand disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
Revenue Department, Fort St.George,
Chennai - 01.

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

3.The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai - 05.

4.The Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Ezhilagam, Chempauk, Chennai - 05.

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.B.Kesavan, Advocate, S.R.No. 85177

+9cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No. 85043 to 85051

+1cc to the Government Pleader, S.R.No.86209

W.P.Nos.24666, 21294 to
21301 of 2018

JP (CO)
GN(07/01/2019)

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