

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01..10..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.25333 of 2018

P.Bakthavachalu

... Petitioner

-Versus-

1.The Special Commissioner for Urban Land
Ceiling & Urban Land Tax,
Office of the Special Commissioner for Urban
Land Ceiling & Urban Land Tax,
Chepauk, Chennai 600053.

2.The Assistant Commissioner,
Office of Urban Land Ceiling,
Poonamallee Zone,
No.5, Sannathi Street,
Poonamallee, Chennai 600056.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to forward the application dated 10.03.2012 submitted by the petitioner together with necessary enclosures under the category of innocent purchaser of Urban Land Ceiling Act seeking to regularize his plot No.6, Srinivasa Nagar Layout measuring an extent of 2400 square feet comprised in S.No.119 at No.73, Ayappakkam Village Chennai to the 1st respondent along with statement sworn-in by the petitioner and his representation dated 17.07.2018 for regularization to the 1st respondent for consideration and passing necessary orders pursuant to G.O.Ms.No.649, Revenue [Na.Nila.1(1)] Department, dated 29.07.1998 and G.O.(Nilai) No.565, Revenue [Na.Nila.1(1)] Department, dated 26.09.2008.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.M.Elumalai,
Government Advocate
for R1 and R2

ORDER

This writ petition has been filed seeking to issue a writ of mandamus directing the 2nd respondent to forward the application dated 10.03.2012 to the 1st respondent for considering the request of the petitioner for regularization of his land situate at plot at No.6, Srinivasa Nagar Layout

measuring an extent of 2400 square feet comprised in S.No.119 at No.73, Ayappakkam Village, Chennai in terms of G.O.Ms.No.649, Revenue [Na.Nila.1(1)] Department, dated 29.07.1998 and G.O.(Nilai) No.565, Revenue [Na.Nila.1(1)] Department, dated 26.09.2008.

2. The grievance of the petitioner is that he had innocently purchased the subject matter of the land. Subsequent to the purchase only he came to know the the lands are covered under the Urban Land Ceiling Act. While so, the Government of Tamil Nadu has issued G.O.Ms.No.649, Revenue [Na.Nila.1(1)] Department, dated 29.07.1998 and G.O.(Nilai) No.565, Revenue [Na.Nila.1(1)] Department, dated 26.09.2008 in order to regularize the purchase subject to the conditions enumerated in the Government Order. Accordingly, the petitioner filed his application on 10.03.2012 for regularization of his purchase. The grievance of the petitioner is that his application has not yet been considered. Hence, this writ petition.

3. On 02.09.2018, Mr.M.Elumalai, the learned Government Advocate, who took notice for the respondent, had sought for short adjournment to enable him to get instructions from the respondents.

4. Today, when the matter came up for hearing, the learned Government Advocate submitted that already the 2nd respondent had forwarded his proposal for regularization to the 1st respondent, who, in turn, forwarded his recommendations to the Government and ultimately, now it is for the Government to take a decision on the recommendation made by the 1st respondent for regularization of the land purchased by the petitioner.

5. At this stage, the learned counsel appearing for the petitioner submitted that the petitioner had purchased only 1 ground of land and as per Government Orders cited above, the 1st respondent alone is empowered to consider the request for regularization of purchase, where the land is below 1½ grounds and, therefore, there is no necessity for the 1st respondent to forward the proposal to the Government.

6. I have considered the rival submissions carefully.

7. From a careful perusal of the available records, it is seen that the petitioner had already submitted an application for regularization as early as on 10.03.2012 and as per G.O.Ms.565 dated 26.09.2008, the 1st respondent is empowered to regularize the land where the purchase is below 1½ grounds. The learned Government Advocate has also fairly admitted the position in this regard. As it is now stated by the Government Advocate that 2nd respondent had already forwarded the proposal to the 1st respondent, the 1st respondent is directed to

consider the application of the petitioner for regularization of his purchase on merits and pass suitable orders thereof in accordance with law within a period of six weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Special Commissioner for Urban Land
Ceiling & Urban Land Tax,
Office of the Special Commissioner for Urban
Land Ceiling & Urban Land Tax,
Chepauk, Chennai 600053.

2.The Assistant Commissioner,
Office of Urban Land Ceiling,
Poonamallee Zone,
No.5, Sannathi Street,
Poonamallee, Chennai 600056.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.67915

+1cc to the Government Pleader, S.R.No.68564

W.P.No.25333 of 2018

RR(CO)

rrs 26/10/2018

सत्यमेव जयते

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