

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Writ Petition No.26352 of 2018

Dr.Latha, aged about 47 years,
Wife of S.N.Kirubanandam,
No.177, Ambika Street,
Golden George Nagar,
Nerkundram, Chennai-600 107.

... Petitioner

Vs.

1. The Government of India,
Represented by its Secretary,
Revenue Department,
Fort St.George, Chennai.

2. The Commissioner,
Urban Land Ceiling,
Ezhilagam Building,
Chepauk, Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to process the application made by the petitioner on 05.05.2016 seeking exemption of purchase of land under innocent buyers category as per G.O.No.565/Revenue, dated 26.09.2008.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the respondents to consider the petitioner's application seeking exemption of purchase of land under the innocent purchaser category as per G.O.Ms.No.565/Revenue, dated 26.09.2008.

2. According to the petitioner he has purchased the land bearing No.3/1 G, Flat No.30, Devi Nagar, Korattur, to the extent of 3050 Sq.ft.. Right from the purchase she is in

possession and enjoyment of the property. Subsequently, she came to know that the above said land has been notified under the Urban Land (Ceiling and Regulation) Act, 1976, and without knowing the fact the petitioner had purchased the property.

3. Subsequently, in view of the Government order passed in G.O.Ms.No.565/Revenue, dated 26.09.2008, she made an application on 05.05.2016, enclosing all the necessary documents to the 2nd respondent, to regularise the petitioner's purchase that she is also under the innocent buyers category. So far, no order has been passed in the application. Hence, the present writ petition has been filed.

4. Earlier notice was ordered to the respondents. Today when the matter is taken up for hearing, the learned Counsel appearing for the 2nd respondent submitted that, the 2nd respondent has already sent a detailed report recommending for regularising the property as early as on 04.04.2017, to the Government/1st respondent. The order of the 1st respondent is still awaited.

5. The claim of the petitioner is that, she is an innocent purchaser and she is covered under G.O.Ms.No.565/Revenue, dated 26.09.2008, and she has also made an application on 05.05.2016. As per the above Government Order, in respect of house sites measuring less than 1½ grounds, the 2nd respondent only empowered to regularise the purchase of land under the innocent purchaser category. According to the purchaser she had purchased the house site only to the extent of 3,550 Sq.ft., which is less than 1½ grounds. Hence, the 2nd respondent only has the power to regularise the purchase, and there is no necessity for the 2nd respondent to get a concurrence from the 1st respondent.

6. In such circumstances as the 2nd respondent alone has the power to regularise, the 2nd respondent is directed to pass suitable orders on merits for regularising the petitioner's land within a period of six weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msvm

To

1. The Secretary,
The Government of India,
Revenue Department,
Fort St.George, Chennai.

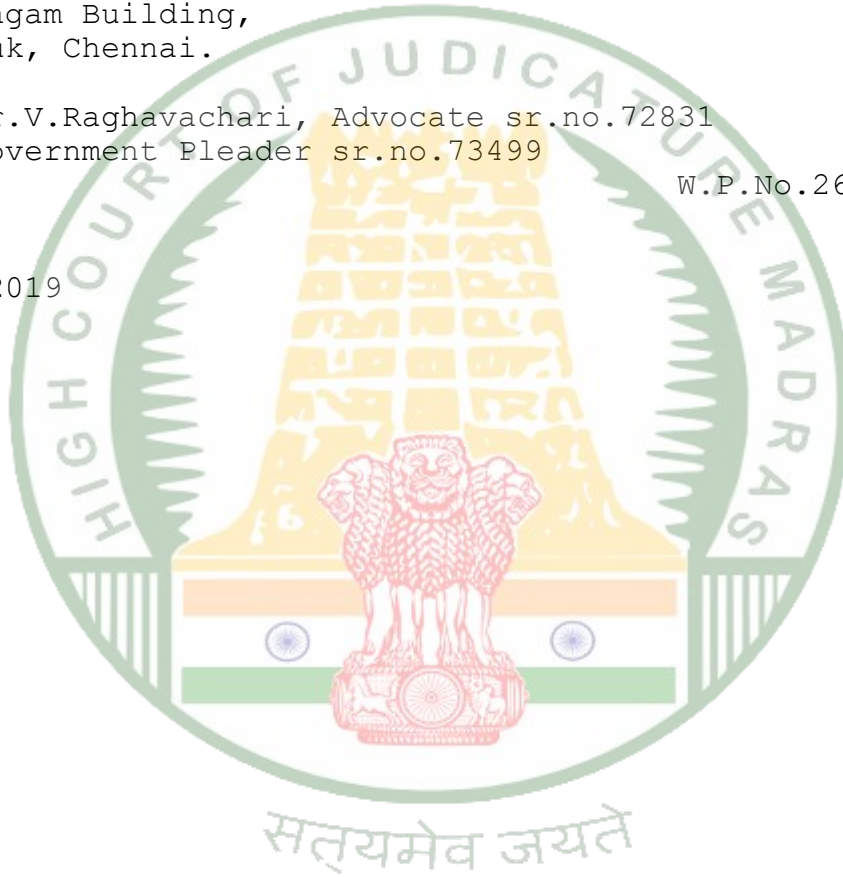
2. The Commissioner,
Urban Land Ceiling,
Ezhilagam Building,
Chepauk, Chennai.

+1cc to Mr.V.Raghavachari, Advocate sr.no.72831

+1cc to Government Pleader sr.no.73499

W.P.No.26352 of 2018

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