

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

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THE HONOURABLE Mr. JUSTICE T.RAJA

W.P.No.4988 of 2019

1.G.R.Ramesh Prabbhu
2.G.R.Murralli

.. Petitioners

Vs.

1. The State of Tamil Nadu
Rep by its Secretary to Government
Revenue and Disaster Management Department
ULC [1(2)] Wing
Secretariat, Fort St.George
Chennai - 600 009.
 2. The Special Commissioner
Commissionerate for Urban Land Ceiling & Urban Land Tax
Chepauk
Chennai - 600 005.
 3. The Assistant Commissioner
Urban Land Ceiling and Urban Land Tax
Madhavaram Zone
No.2, Vivek Nagar, Kolathur
Chennai - 600 099.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pass orders on the application submitted by the petitioners dated 20.02.2008 and 07.03.2008 in the prescribed format and the subsequent enquiry proceedings issued by the third respondent in Na.Ka.No.217/2008/E dated 19.03.2008 and further proceedings issued by the third respondent in Na.Ka.No.192/2015/E dated 17.02.2015 issued to the petitioners, to regularize the land in Plot No.64 comprised in S.No.45/1, Mathur Village, Ward No.19, Chennai City Corporation, (earlier Puzhal Panchayat Union, Ambattr Taluk, Thiruvallur District) Madhavaram Taluk, Chennai District under innocent purchaser category in terms of Government Order issued in G.O.Ms.No.649 Revenue Department dated 29.07.1998, in respect of the land owned by the second petitioner of an extent of 2400 sq.ft., within a time frame to be fixed by this Court.

For Petitioners : Mr. G.Sankaran
For Respondents : Mr. M.Elumalai
Government Advocate

ORDER

The petitioners herein are the brothers and the first petitioner claims to be the subsequent purchasers of the land in question covered in S.No.45/1 Mathur Village, Ward No.19, Chennai City Corporation (earlier Puzhal Panchayat Union, Ambattur Taluk), Madhavaram Taluk, Thiruvallur District, that has been developed into Housing Colony in the name of "Appollo Armstrong Nagar" in the year 1981 itself, seeking for a direction to the respondents to pass orders on the pending enquiry, on merits within a reasonable time.

2. According to the learned counsel for the petitioners, the first petitioner have purchased the land measuring an extent of 2400 sq.ft., in Plot No.64 from one Tmt.J.Kanthamani, through a registered Sale Deed in Document No.3119 of 2000 dated 12.07.2000, and he is in possession and enjoyment of the same. Thereafter, the first petitioner has executed a Settlement Deed in favour of the second petitioner, who is his brother, for the entire extent vide Document No.7226 of 2014 dated 10.10.2014 and they were in possession and enjoyment of the said property. The petitioners were stated to have put up construction and electricity connection was obtained in the name of the second petitioner and the said property is assessed to property tax and electricity charges. Thereafter, the petitioners have come to know that the land, along with its larger extent of land, originally was subjected to Urban Land Ceiling proceedings under the provisions of Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978.

3. The land covered in S.No.45/1 Mathur Village, Ward No.19, Chennai City Corporation (earlier Puzhal Panchayat Union, Ambattur Taluk), Madhavaram Taluk, Thiruvallur District has been developed into Housing Colony in the name of "Appollo Armstrong Nagar" in the year 1981 itself and subsequently, several innocent purchasers also purchased the land without reference to the land ceiling. The petitioners are also such innocent purchasers. Subsequently, on enquiry, they came to know that the Government had issued a Government Order in G.O.Ms.No.649 Revenue Department dated 29.07.1998 taking a policy decision to regularize the lands purchased by the innocent purchasers without reference to Urban Land Ceiling proceedings by collecting fees for the lands and the period of sale was covered by the Government Order i.e., from 03.08.1976 to 31.12.1994, and

thereafter, the period of sale was subsequently extended vide G.O.Ms.No.565 Revenue Department dated 26.09.2008.

4. In the light of the policy decision taken by the Government to regularise the lands of the innocent purchasers, the first petitioner have filed applications dated 20.02.2008 and 07.03.2008, seeking to regularize their lands. Thereafter, the first petitioner was called upon to attend the enquiry and despite several enquiries being conducted by the respondents, final orders have not been passed till date. Hence, the petitioners are before this Court by filing the above writ petition.

5. The learned counsel appearing for the petitioners has drawn the notice of this Court to W.P.Nos.14101 of 14105 of 2018, wherein the first petitioner herein is the petitioner in the above referred W.P.No.14102/2018 and this Court vide order dated 12.06.2018, has disposed of the said writ petitions.

6. Since the enquiry pertaining to petitioner's claim was pending from the year 2008 and a similar relief is granted to the petitioners in W.P.Nos.14101 of 14105 of 2018, in connection with S.No.45/1A, Mathur Village, Madhavaram Taluk, this Court without going into the merits of the matter, grants four weeks time from the date of receipt of a copy of this order, to the Enquiry Officer to submit a report and thereafter, the Government shall pass appropriate final orders within a period of four weeks.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ds

To:

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue and Disaster Management Department
ULC [1(2)] Wing
Secretariat, Fort St.George
Chennai - 600 009.

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2. The Special Commissioner
Commissionerate for Urban Land Ceiling & Urban Land Tax
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No.2, Vivek Nagar, Kolathur
Chennai - 600 099.

+4 ccs to Mr.G.Sankaran, Advocate, S.R.No.30202 and 30284

WP. No.4988 of 2019

KAN(CO)
SSM(04/06/2019).



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