

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:26.03.2019

CORAM
THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.4991 of 2019

K.M.Sridhar

.. Petitioner

vs

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Revenue and Disaster Management Department,
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 petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the Respondents to pass orders on the application submitted by the Petitioner dated 08.11.2012 in the prescribed format and the subsequent enquiry proceedings issued by the 3rd Respondent in Na.Ka.No.684/2016/E dated 06.10.2016 to the Petitioner, to regularize the land in Plot No.73 of an extent of 2560 sq.ft comprised in S.No.45/1 Mathur Village, Ward No.19, Chennai City Corporation, (earlier Puzhal Panchayat Union, Ambattur Taluk, Thiruvallur District) presently Madhavaram Taluk, Chennai District under innocent purchaser category in terms of Government Orders issued in G.O.M.S.No.649 Revenue Department dated 29.07.1998, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.M.Elumalai,
Government Advocate, for RR1 to 3

O R D E R

It is averred in the affidavit filed in support of the writ petition that petitioner claims to be the owner of the land in Survey No.45/1. It is further stated that he purchased the land to an extent of 2560 sq.ft from one Mr.Purushothaman, son of Shanmugam, by a Registered Sale Deed bearing document No.2870 of 1995. Thereafter, he has been paying the property tax to the Competent Authority without any deviation. Since the land was originally subjected to Urban Land Ceiling Proceedings and subsequently, it has been developed into housing colony in the name of 'Appollo Armstrong Nagar' in the year 1981 itself, number of innocent purchasers purchased the land without any reference to the land ceiling proceedings including the petitioner. Therefore, the Government issued G.O.M.S.No.649, Revenue Department, dated 20.07.1998, to regularize the lands purchased by the innocent purchasers without reference to the Urban Land Ceiling proceedings by collecting fees for the land and subsequently, one more G.O.M.S.No.565, Revenue Department dated 26.09.2008, was issued extending the time limit to those subsequent purchasers as well. Thus, in the light of the said Government Orders, the petitioner gave a representation dated 08.11.2012 to the Competent Authority to consider his case for regularization of his land.

2. It is also further stated that subsequent to the said representation, the third respondent issued a notice dated 06.10.2016 to the petitioner for personal hearing along with the necessary documents and thereafter, although the petitioner has appeared for the enquiry by producing necessary documents, no orders has been passed.

3. Mr.Elumalai, learned Government Advocate appearing for the respondents submitted that considering the application filed by the petitioner requesting for regularization of his land purchased under innocent buyer category and also taking note of the fact that the petitioner has also agreed to pay the land value fixed by the Government, the second respondent/the Special Commissioner in Urban Land Ceiling and Urban Land Tax, Chennai, vide proceedings dated 09.11.2017, has sent necessary proposal to the first respondent/Secretary to Government, Revenue and Disaster Management Department, Chennai, recommending for issuance of suitable orders for regularization of land measuring 2560 sq.ft. However, the first respondent, vide his proceedings dated 24.12.2018, has returned the original proposals and called for revised proposal. Accordingly, the petitioner was also issued with a communication dated 12.03.2019 asking for certain clarifications.

4. At this juncture, it is stated by the learned counsel for the petitioner that he was unaware of the said communication dated 12.03.2019, therefore, a copy of the said proceeding be immediately handed-over to the learned counsel for the petitioner and also requested a week time be granted to furnish necessary documents as sought for by the first respondent.

5. In view of the above, the petitioner is directed to submit necessary details as sought for by the first respondent vide communication dated 12.03.2019 within a period of one week from today and on receipt of such details, the respondents are directed to pass orders on the same on merits and in accordance with law within a period of eight weeks thereafter.

6. With the above directions, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

tsg/rkm

To

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
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.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.28803

W.P.No.4991 of 2019

RJ(CO)

rrs 27/03/2019