IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.8309 of 2019

B.Krithika ... Petitioner

Vs

1. The State of Tamil Nadu
rep. by its Principal Secretary to Government,
Revenue Department,
Fort St. George,
Secretariat, Chennai-600 009.

2. The Special Commissioner/
Land Reforms Commissioner,
Chepauk,
Chennai-600 005.

3. The Principal Secretary/Commissioner,
Urban Land Ceiling and Urban Land
Tax, Chepauk, Chennai-600 005.

4. The Assistant Commissioner,
Urban Land Ceiling and Urban Land
Tax, Tambaram East,
No.153, Karuneegar Street,
Adambakkam, Chennai-600 088. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's application dated 31.03.2015 for regularisation of her Plot bearing No.21 in S.No.22/5 (New S.No.22/9), measuring an extent of 2820 sq.ft. situated at Balaji Nagar, Anakaputhur Village, Tambaram Taluk, Kancheepuram District under the scheme formulated in G.O.Ms.No.565, Revenue Department, dated 29.06.2008 of the 1st respondent and consequently, direct the 4th respondent to issue patta based on the regularisation of plot under the aforesaid scheme within a stipulated time.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.K.Ravikumar, AGP

ORDER

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioner's application dated 31.03.2015 for regularisation of her Plot bearing No.21 in S.No.22/5 (New S.No.22/9), measuring an extent of 2820 sq.ft. situated at Balaji Nagar, Anakaputhur Village, Tambaram Taluk, Kancheepuram District under the scheme formulated in G.O.Ms.No.565, Revenue Department, dated 29.06.2008 of the 1st respondent and for consequential direction, directing the 4th respondent to issue patta based on the regularisation of plot under the aforesaid scheme within a stipulated time fixed by this Court.

2. Learned Counsel appearing for the petitioner submitted that one Rajalakshmi, sister of the petitioner's mother Latha has purchased a house site in S.No.22/5 an extent of 2820 sq.ft. at Plot No.21, Balaji Nagar, Anakaputhur Village, Pammal Sub-Division, Tambaram Taluk, Kancheepuram District on 30.3.1998 from one Krishna Reddy and the same was registered as Document No.774 of 1998 on the file of the Sub-Registrar, Pammal. Thereafter, the said Rajalakshmi has settled the said property in favour of the petitioner's mother Latha vide Settlement Deed dated 13.12.2012 bearing Document No.6667 of 2012. After the demise of the said Rajalakshmi, the petitioner's mother Latha has executed a settlement deed in favour of the petitioner on 21.2.2013 under Document No.1167 of 2013 on the file of the Sub-Registrar, Pammal. As such, the petitioner and her family members are in possession and enjoyment of the said property from the date of purchase on 30.3.1998 till today. Further the entire revenue records and documents are in the name of the petitioner and also the Encumbrance Certificate shows that the petitioner is the owner of the property-in-question. While so, the petitioner came to know that the said lands were covered under Urban Land Ceiling Act. Therefore, according to the petitioner, she is also entitled to get the benefit of G.O.Ms.No.565, Revenue Department, dated 26.9.2008, giving the benefit of regularisation in favour of the subsequent innocent purchasers who purchased the land without the knowledge of the acquisition of the lands under the Tamil Nadu Urban Land Ceiling Act like that of the petitioner.

3. In the present case, admittedly, the land-in-question was purchased by the sister of the petitioner's mother, namely, Rajalakshmi by a Registered Sale Deed dated 30.3.1998 and thereafter, the said land was also lawfully settled in favour of the petitioner's mother, namely, Latha by virtue of a Settlement Deed dated 13.12.2012 bearing Document No.6667 of 2012. When the petitioner's mother was also subsequently settled the land by way of a Registered Settlement Deed dated 21.2.2013 in favour

of the petitioner B.Krithika, the benefit of regularisation of the land-in-question passed on through the purchaser Rajalakshmi to the petitioner's mother and thereafter to the petitioner. Therefore, the benefit of G.O.Ms.No.565, Revenue Department, dated 26.9.2008 will not only go to the purchasers, but also go to the settlers or settlees. This issue has already been clarified by various orders passed by this Court. One such order made in W.P.No.7777 of 2019 dated 20.3.2019 (G.Manoharan vs. State of Tamil Nadu rep. by its Principal Secretary to Government, Revenue and Disaster Management Department, Secretariat, Fort St. George, Chennai-9) clearly shows that the benefit of the G.O.Ms.No.565, Revenue Department, dated 26.9.2008 will apply not only to the innocent purchasers, but also to the settlers and settlees.

4. At this stage, the learned Additional Government Pleader appearing for the respondents submitted that in W.P.No.7777 of 2019 dated 20.3.2019, this Court has clarified that G.O.Ms.No.565, Revenue Department, dated 26.9.2008 protects the interest of the innocent purchasers purchased the land covered under Urban Land Ceiling Act, 1978 and they are entitled to regularise their lands as an innocent purchasers and this Court has further clarified that if the parents had purchased the land in question and subsequently settled the same in favour of their own children, after the death of the parents, they are also entitled to inherit the property. Therefore, the protection under G.O.Ms.No.565, Revenue Department, dated 26.9.2008 would also go to the settler or settee for the regularisation of the lands-in-question.

5. Therefore, it is clear that the issue raised in this Writ Petition has been settled once and for all. The relevant portion of the order in W.P.No.7777 of 2019 dated 20.3.2019 is extracted here under :

> ''5.In view of the above settled legal position, this Court is of the view that the benefit of the scheme namely, Innocent Purchaser Scheme, should be given to the petitioner also. Therefore, the impugned order is quashed and the writ petition is allowed. Accordingly, the respondent is directed to consider the case of the petitioner in the light of the G.O. Ms. No.565 Revenue Department ULC I(2) dated 26.09.2008 within a period of four weeks from the date of receipt of a copy of this order. No costs.''

6. In the light of the above, the respondents are directed to consider the petitioner's application dated 31.03.2015 for regularisation of her Plot bearing No.21 in S.No.22/5 (New S.No.22/9), measuring an extent of 2820 sq.ft. situated at Balaji

Nagar, Anakaputhur Village, Tambaram Taluk, Kancheepuram District in the light of G.O.Ms.No.565, Revenue Department ULC I(2), dated 26.09.2008 of the 1st respondent read with the order passed by this Court in W.P.No.7777 of 2019 dated 20.3.2019, within a period of four weeks from the date of receipt of a copy of this Order.

7. With the above direction, the Writ Petition stands allowed. No costs.

Sd/-
Deputy Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St. George,
Secretariat, Chennai-600 009.

2. The Special Commissioner/
Land Reforms Commissioner,
Chepauk,
Chennai-600 005.

3. The Principal Secretary/Commissioner,
Urban Land Ceiling and Urban Land
Tax, Chepauk, Chennai-600 005.

4. The Assistant Commissioner,
Urban Land Ceiling and Urban Land
Tax, Tambaram East,
No.153, Karuneegar Street,
Adambakkam, Chennai-600 088.

+1 cc to Mr.M.R.Jothimanian, Advocate, S.R.No.38444

+1 cc to the Government Pleader, S.R.No.38798

W.P.No.8309 of 2019

KJ(CO)
SSM(18/06/2019)