



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.1048 of 2017

A.Ramakrishnan

.. Petitioner

-vs-

1.The Commissioner,
Urban Land Ceiling and Urban
Land Tax, Chepauk,
Chennai-600 005.

2.The Assistant Commissioner,
Urban Land Ceiling and Urban Land
Tax, Tambaram Division,
No.13, Karuneegar Street,
Adambakkam, Chennai-88.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1st and 2nd respondent to consider and pass orders on petitioner's representation dated 16.02.2016.

For Petitioner : Mr.T.N.Rajagopalan
for M/s.M.Nandhakumar

For Respondents : Mr.V.Shanmuga Sundar,
Spl.G.P.

ORDER

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider and pass orders on petitioner's representation dated 16.02.2016.



2. Learned Counsel appearing for the petitioner submitted that the petitioner is the owner of the land situated in Plot No.8, Old Survey No.172/3, New Survey No.172/3H at Jamin Pallavaram Village, Chandra Nagar, Pallavaram Taluk, Kanchipuram District to an extent of 1764 sq. ft. vide registered Sale Deed in Document No.2737 of 2001 dated 31.08.2001, purchased from one Umapathy. While so, it appears that a notice under Land Ceiling Act was issued to Mr.Ekambaram, who was the original land owner, subsequently affected by the said proceedings filed W.P.No.7125/2004, calling for the records relating to the impugned order communicated in E.R.No.249/96/C dated 4.3.2002 on the file of the Assistant Commissioner (Urban Land Tax), Tambaram, Chennai and this Court by order dated 30.11.2012 allowed the said Writ Petition. Therefore, the petitioner is an innocent purchaser to the property and no notice was served on him.

3. Learned Counsel for the petitioner further submitted that thereafter, the petitioner made a representation to the Assistant Commissioner (ULC & ULT), Tambaram Division on 14.2.2013 to issue a 'No Objection Certificate' since the Land Ceiling Act is repealed and all the proceedings stand abated since he is the present owner of the property-in-question. But no order has been passed. Therefore, the petitioner sent repeated representations on 01.08.2014, 26.3.2015 and finally on 16.2.2016, but till date no order has been passed. Hence the petitioner has filed the present Writ Petition the 1st and 2nd respondents seeking a direction to consider and pass orders on his representation dated 16.02.2016.

4. A detailed counter affidavit has been filed by the respondents.

5. Learned Special Government Pleader appearing for the respondents submitted that as against the order passed by this Court in W.P.No.7125/2004 dated 30.11.2012, a Writ Appeal has been filed and it is pending in W.A.Sr.No.58883/2016. Although the petitioner claims to be an innocent purchaser, he applied for regularisation of his purchase under Innocent Buyer Scheme. The Government has announced a Scheme of Regularisation on payment of the cost fixed by the Government for the Urban Land up to 1 ½ grounds vide G.O.Ms.No.649, Revenue Department dated 29.07.1998. Subsequently, the scheme was expanded vide G.O.Ms.No.565, Revenue Department dated 26.09.2008 enabling the regularisation of the purchase made by the innocent purchaser, up to the date of the issuance of the Government Order irrespective of the extent by fixing the pro-rate value



corresponding to the extent purchased. Therefore, in view of the pendency of the Writ Appeal SR.No. 58883/2016, the case of the petitioner has not been taken up for consideration.

6. But, this Court finds no justification for the respondents to show that challenging the order dated 30.11.2012 made in W.P.No.7125/2004, a Writ Appeal filed is still pending at W.A.SR. Stage. Therefore, when the respondents have not even filed any appeal within the reasonable time and the writ appeal has also been filed after three years, this Court finds that the said writ appeal pending at SR stage for 3 years cannot come in the way of granting the benefit of regularisation as per the above said Government Orders. Therefore, the respondents are directed to consider the representation of the petitioner dated 16.02.2016 within a period of four weeks from the date of receipt of a copy of this Order, as though there is no writ appeal pending now.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1.The Commissioner,
Urban Land Ceiling and Urban
Land Tax, Chepauk,
Chennai-600 005.

2.The Assistant Commissioner,
Urban Land Ceiling and Urban Land
Tax, Tambaram Division,
No.13, Karuneegar Street,
Adambakkam, Chennai-88.



+1 cc to the Government Pleader sr97636
+2 ccs to Mr.M.Nandha kumar Advocate sr96744

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