

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.29752 of 2017

V.Thilakavathi

.. Petitioner

Vs

1.The Assistant Commissioner,
(Urban Land Ceiling-cum-Assistant Commissioner (ULT),
Madhavaram,
Kolathur, Chennai - 99.

2.The Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai - 5.

3.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai - 9.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the third respondent to issue appropriate orders/direction to the respondents 1 and 2 to regularise the property bearing Plot No.30, Door No.9/30, Vidhya Nagar, Ponnammanmedu, Chennai - 110, comprised in S.No.1243 of Madhavaram Village, Madhavaram Taluk, Thiruvallur District, measuring an extent of 2100 sq.ft., belonging to the petitioner in accordance with G.O.Ms.No.565, Revenue Department, dated 26.09.2008, within a stipulated time.

For petitioner : Mr.Ralph V.Manohar

For Respondents : Mr.V.Shanmugasundar, Spl.GP

ORDER

By way of filing this writ petition, the petitioner seeks a direction to the third respondent to issue appropriate orders/direction to the respondents 1 and 2 to regularise the property bearing Plot No.30, Door No.9/30, Vidhya Nagar, Ponnammanmedu, Chennai - 110, comprised in S.No.1243 of

Madhavaram Village, Madhavaram Taluk, Thiruvallur District, measuring an extent of 2100 sq.ft., belonging to her in accordance with G.O.Ms.No.565, Revenue Department, dated 26.09.2008.

2. Heard the learned counsel appearing on either side.

3. It is seen from the affidavit filed in support of the writ petition that initially, the petitioner's father had purchased a land bearing Plot No.30, Door No.9/30, Vidhya Nagar, Ponniammanmedu, Chennai, comprised in Survey No.1243 of Madhavaram Village, Thiruvallur District, measuring an extent of 2100 sq.ft., under Sale Deed dated 23.05.1986 registered as Document No.1899 of 1986 on the file of the Sub Registrar Office, Sembium. Thereafter, he had settled the said property in favour of his daughter/the petitioner herein under the Settlement Deed dated 18.03.1991 bearing Document No.1088 of 1991, on the file of the Sub Registrar Office, Sembium. Whiles, the Tahsildar, Ambatur Taluk, vide letter dated 07.07.2009, intimated that the subject land as well as other large extent of lands of entire layout, namely, Vidhya Nagar, are affected by the Tamil Nadu Urban Land Ceiling and Regularization Act, 1978, hence, the petitioner is not entitled to seek for regularization of his land. However, the Government of Tamil Nadu, vide G.O.Ms.No.565, Revenue Department, dated 26.09.2008, had come forward to regularise the sale made by the bonafide purchasers as on the date of issuance of this G.O., therefore, in my considered view, the petitioner is entitled to reap the benefit of the said G.O.

4. Issue involved in the present writ petition has already been settled in umpteen number of cases and one such case is decided by me in W.P.No.8309 of 2019, dated 16.04.2019, and the relevant portion of the said judgment is quoted below:-

"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 :

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."

From the above, it is clear that the protection given under G.O.Ms.No.565, Revenue Department, dated 26.09.2008, would also be extended to the settler or settlee for regularization of the land purchased under the Innocent Purchaser Category. Therefore, in the case on hand, admittedly, the petitioner's father purchased the subject land on 23.05.1986 itself, which is well within G.O.Ms.No.565, dated 26.09.2008, issued by the Government, protecting the Innocent Purchasers from the Urban Land Ceiling Act, 1978. Thereafter, he settled the same in favour of his daughter/the petitioner herein on 18.03.1991. In

such view of the matter, in my considered opinion, the petitioner is entitled for regularization of his land as an innocent purchaser.

5. In fine, following the above said order passed by this Court, a direction is issued to the respondents to regularise the above said property belonging to the petitioner within a period of four weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands allowed. No Costs. WMP.No.32095 of 2017 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Assistant Commissioner,
(Urban Land Ceiling-cum-Assistant Commissioner (ULT),
Madhavaram,
Kolathur, Chennai - 99.
- 2.The Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai - 5.
- 3.The Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai - 9.

+1cc to Government Pleader SR.NO. 81556

+2cc to Mr.Ralph V.Manohar, Advocate sr.81260

W.P.No.29752 of 2017

nrjk(co)
nr 31/10/2019