



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.15372 of 2019

G.Thangapandian

... Petitioner

-Vs-

- 1.The Principal Secretary,,
Revenue and Disaster Management,
State of Tamil Nadu,
Namakkal Kavigar Maligai,
Chennai - 9.
- 2.The Principal Secretary / The Commissioner,
Urban Land Ceiling and Urban Land Tax Department,
State of Tamil Nadu, Chepakkam,
Chennai - 5.
- 3.The District Registrar (Administration),
O/o. the District Registrar,
171, Aranmanai Salai, Madurai South,
Madurai District.
- 4.The Assistant Commissioner,
O/o. the Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax Department,
K.K.Nagar, Madurai District.
- 5.The Tahsildar,
O/o. the Tahsildar,
Thirupparankundram Taluk,
Thanakkankulam, Madurai District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the respondent No.1 to pass appropriate order and permission on the basis of the report in Na.Ka.No.1299/2017/E3, dated 20.03.2017 sent by the respondents No.2 to the respondent No.1, relating to regularize the petitioner's 2085 square feet housing land in Madakulam Village Survey number 204/B4 in Madurai South Taluk, Madurai District in accordance with the G.O.Ms.No.565, dated 26.09.2008, Revenue (NA.NI.OO) (1) Department and by considering the representations submitted by the petitioner dated 14.06.2017 within the time stipulated by this Court.



For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Murugan,
Government Advocate

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ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondent No.1 to pass appropriate order and permission on the basis of the report in Na.Ka.No.1299/2017/E3, dated 20.03.2017 sent by the respondents No.2 to the respondent No.1, relating to regularize the petitioner's 2085 square feet housing land in Madakulam Village Survey number 204/B4 in Madurai South Taluk, Madurai District in accordance with the G.O.Ms.No.565 dated 26.09.2008, Revenue (NA.NI.OO) (1) Department, by considering the representations submitted by the petitioner dated 14.06.2017 within the time stipulated by this Court.

2.Heard Mr.R.Alagumani, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3.With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4.The petitioner seems to have purchased a land in Survey number 204/B4 to an extent of 69 cents at Madakkulam Village, Madurai South Taluk, Madurai District, where, he constructed a dwelling house and the same has been settled to his son. However, subsequently, he came to know that the said land was already declared as excess land under Land Ceiling Act and accordingly, the vendor's vendor of the petitioner has been declared to have this land as excess land under the Land Ceiling Act and without knowing the said fact, the petitioner's vendor seems to have purchased the land, who in turn, sold the same to the petitioner and he has purchased the same genuinely without knowing the fact that the said land has already been declared as excess land.

5.In this context, the learned counsel appearing for the petitioner would submit that in order to regularize the lands purchased by the innocent purchasers, without knowing the fact that the said lands having been declared already as excess land under Land Ceiling Act, the Government issued G.O.Ms.No.565 dated 26.09.2008, Revenue (NA.NI.OO) (1) Department, dated 26.09.2008, under which, after paying the cost of the land to be fixed by the Government, such kind of excess land, purchased wrongly by the genuine purchases, would be regularised. Seeking benefit of the said Government Order, the petitioner had given a detailed request cum representation to the 1st respondent on 14.06.2017 to regularize the land and the cost of the land to be fixed by the Government, the



petitioner is ready and willing to pay. The said representation of the petitioner dated 14.06.2017 is still pending with the 1st respondent. Therefore, the learned counsel appearing for the petitioner wants early disposal of the said representation by the 1st respondent on merits and in accordance with law.

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6.I have heard the learned Government Advocate appearing for the respondents, who would submit that, the said representation of the petitioner dated 14.06.2017 would be considered by the 1st respondent within a time frame to be stipulated by this Court.

7.Considering the limited scope of the prayer in this writ petition and having regard to the submissions made by both sides,, this Court is inclined to dispose of this writ petition with the following direction:

"The 1st respondent is directed to consider the representation of the petitioner dated 14.06.2017 and pass orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order."

8.With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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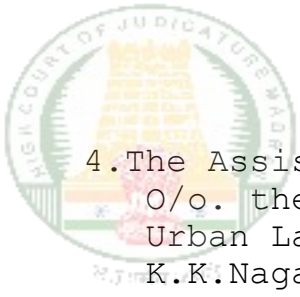
Sub Assistant Registrar(CS)

To

1.The Principal Secretary,,
Revenue and Disaster Management,
State of Tamil Nadu,
Namakkal Kavigar Maligai,
Chennai - 9.

2.The Principal Secretary / The Commissioner,
Urban Land Ceiling and Urban Land Tax Department,
State of Tamil Nadu, Chepakkam,
Chennai - 5.

3.The District Registrar (Administration),
O/o. the District Registrar,
<https://hcservices.ecourts.gov.in/hcservices/>
171, Arammanai Salai, Madurai South,
Madurai District.



4.The Assistant Commissioner,
O/o. the Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax Department,
K.K.Nagar, Madurai District.

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5.The Tahsildar,
O/o. the Tahsildar,
Thirupparankundram Taluk,
Thanakkankulam, Madurai District.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-74339[F] dated 09/07/2019)

+1 CC to M/s.SPL GP (SR-74773[F] dated 11/07/2019)

Order made in
W.P. (MD) No.15372 of 2019
Dated:
09.07.2019

Arul
JMN(22.08.2019) 4P : 8C