

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P.No.13816 of 2020

D.Narayanan

... Petitioner

.Vs.

1. The Government of Revenue & Disaster Management Department Land Disposal Wing represented by its Secretary Government of Tamil Nadu, Revenue Department, Fort St. George, Chennai - 600 009.
2. The Principal Commissioner & Commissioner Land Reforms, Chepauk, Chennai - 600 005.
3. The Asst. Commissioner/Competent Authority Urban Land Ceiling (Kundrathur) No.153, Karuneegar Street, Adambakkam, Chennai - 600 088.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents especially the 1st respondent to process my application filed on 01.07.2009 as an "Innocent Purchaser" under G.O.Ms.No.649 (Rev) dated 29.07.1998 and G.O.Ms.No.565 (Rev) dated 26.09.2008 and regularize my holding for lands measuring 7200 sq.ft. (3 Grounds) comprised in Survey No.974, of Kundrathur Village now Kundrathur Taluk, previously Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.V.Ramesh

For Respondents : Mr.Balamurugan

Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus directing the respondents to process the application submitted by the petitioner on 01.07.2009 who is claiming for regularisation of his holdings on the ground that he is an innocent purchaser, who is entitled for the benefits under

G.O.Ms.No.649 (Rev) dated 29.07.1998 and G.O.Ms.No.565 (Rev) dated 26.09.2008.

2.The case of the petitioner is that he is the owner of the subject property measuring an extent of 7200 sq.ft. by virtue of an exchange deed dated 06.05.1998. The further case of the petitioner is that he is in possession and enjoyment of the property and when he went for mutation of revenue records after the execution of the exchange deed, he was informed by the revenue officials that the subject property has been acquired under the Tamil Nadu Urban Land (Ceiling and Regulation) Act.

3.The petitioner filed an application on 01.07.2009 as an innocent purchaser by invoking G.O.(Ms.) No.565 dated 26.09.2008. Thereafter, the petitioner has made several representations which did not evoke any response and as a result of the same, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Mr.Balamurugan, learned Special Government Pleader appearing on behalf of the respondents circulated the communication received from the third respondent through email. On a careful perusal of the communication made by the third respondent, it is seen that the third respondent has already made a recommendation to the second respondent in favour of the petitioner and the files are now pending before the second respondent.

5.The learned counsel for the petitioner submitted that some time limit can be fixed for the second respondent to pass appropriate orders and place the same before the first respondent and thereafter some time limit can be fixed for the first respondent to pass the Government Order in this regard.

6.This Court has carefully considered the submissions made on either side and the materials that were placed for the perusal of the Court.

7.The communication made by the third respondent makes it very clear that the third respondent has found the petitioner to be entitled for the benefit as an innocent purchaser and this report has been placed before the second respondent. The second respondent has to pass orders and place the file before the first respondent to enable the first respondent to pass the Government Order.

8.In view of the same, there shall be a direction to the second respondent to act upon the report submitted by the third respondent through his communication dated 08.07.2019 and pass appropriate orders within a period of six weeks from the date of

receipt of copy of this order. The file thereafter shall be placed before the first respondent and the first respondent shall pass the necessary Government Order within a period of eight weeks thereafter. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the first respondent.

9.This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Government of Revenue & Disaster Management Department Land Disposal Wing represented by its Secretary Government of Tamil Nadu, Revenue Department, Fort St. George, Chennai - 600 009.
2. The Principal Commissioner & Commissioner Land Reforms, Chepauk, Chennai - 600 005.
3. The Asst. Commissioner/Competent Authority Urban Land Ceiling (Kundrathur) No.153, Karuneegar Street, Adambakkam, Chennai - 600 088.
4. The Government Advocate, High Court of Madras, Chennai.

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