

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.24901 of 2018

R.Vanaja,
w/o.S.Ramakrishnan.

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Revenue Department, Fort St.George,
Chennai-01.
- 2.The Principal Secretary,
Urban and Housing Department,
Fort St. George, Chennai-09.
- 3.The Chairman,
Tamil Nadu Slum Clearance Board, Chennai-05.
- 4.The Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Ezhilagam, Chepauk,
Chennai-05.
- 5.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Tambaram, Karuneegar Street,
Adambakkam, Chennai-88.
- 6.The Tahsildar,
Tambaram Taluk,
Kancheepuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents to receive payment from the petitioner as per G.O.Ms.565 dated 26.09.1998 under the innocent buyers category for the property bearing Plot No.9, in S.No.412/2(part), situate in No.167, Perungalathur Village, admeasuring 4.81 cents and confirm the title and possession on the petitioner over the afore said land as sought vide application dated 21.10.2010.

For Petitioners : Mr.N.A.Nissar Ahmed

For RR1,2,4,5 &6 : Mr.S.N.Parthasarathy
Government Advocate

For R3 : Mr.R.Sivakumar
Standing Counsel

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner who is claiming the benefit as an innocent buyer under G.O.Ms.No.565 dated 26.09.1998.

2.Heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioner, Mr.S.N.Parthasarathy, learned Government Advocate for respondents 1, 2, 4, 5 and 6 and Mr.R.Sivakumar, learned standing counsel for 3rd respondent.

3.The issue that has been raised in the present writ petition is covered by the orders passed by this Court in a batch of writ petitions in W.P.Nos.24666, 21294 to21301 of 2018 by an order dated 10.12.2019. The order passed by this Court is extracted hereunder:

"The relief sought for in these writ petitions is for a direction to the respondents to receive payment from the petitioner as per G.O.Ms.No.565 dated 26.09.2008, under the innocent buyers category for the property bearing Plot Nos.33,18,8,43,34,44,6,35,31 Meera Nagar, in S.No.412/2(Part), situate in No.167, Perungalathur Village, admeasuring 4.59 cents, 4.12 cents, 2100 sq.ft, 4.58, 4.59, 4.58, 5.47, 5.1, 4.59 cents and confirm the title and possession on the petitioner over the afore said land as sought vide applications dated 10.05.2016, 15.09.2016, 15.09.2016, 15.09.2016, 11.05.2016, 15.09.2016, 18.09.2016 16.09.2016, 15.09.2016.

2.The learned counsel for the writ petitioners made a submission that under the Land Ceiling Act, the excess land belonged to the writ petitioners were declared under the Act and the respondents are yet to take possession. The learned counsel for the

writ petitioners further state that the writ petitioners were subsequent purchasers and they have falling under the innocent purchaser as per the orders issued by the Government. The Government issued orders in G.O.Ms.No.565 dated 26.09.2008, providing some benefit to the innocent purchasers in respect of the re-conveying the land, which was acquired under the Land Ceiling Act.

3.The learned counsel appearing on behalf of the respondents state that the possession had already been taken by the respondents and the Government had already allotted the land to the Slum Clearance Board and now, the possession is with the Slum Clearance Board and therefore, the case of the writ petitioners cannot be considered for re-conveyance with reference to the Government orders in force.

4.Considering the rival submissions made on behalf of the writ petitioners and the respondents, this Court is of an opinion that when the statutory process had already been completed and a benefit was extended by way of a Government order in G.O.Ms.No.565 dated 26.09.2008, the case of the writ petitioners is to be considered in the light of the policies of the Government. This Court is of an opinion that if at all the writ petitioners are eligible, as per the Government orders and as per the law in force, then the case of the petitioners shall be considered on merits.

5.Thus, without going into the merits of the matter, the 1st respondent is directed to consider the case of the writ petitioners and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioners are also directed to enclose the copy of the representation and all other relevant documents, if any, along with the order passed in the writ petitions.

6.With these directions, all the writ petitions stand disposed of. However, there shall be no order as to costs."

4.The above directions given by this Court will enure to the benefit of the petitioners also.

5. In the result, without going into the merits of the case, the first respondent is directed to consider the representation made by the petitioner through his application dated 21.10.2010 in accordance with G.O.Ms.565 dated 26.09.1998 and pass orders within a period of 12 weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with a copy of the application dated 21.10.2010 and other relevant documents and also a copy of this order.

Sd/-
Assistant Registrar

//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,
Chennai-01.
2. The Principal Secretary,
Urban and Housing Department,
Fort St. George,
Chennai-09.
3. The Chairman,
Tamil Nadu Slum Clearance Board,
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4. The Commissioner,
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Ezhilagam, Chepauk,
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5. The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Tambaram, Karuneegar Street,
Adambakkam, Chennai-88.
6. The Tahsildar,
Tambaram Taluk,
Kancheepuram District.

7.The Government Pleader,
High Court, Madras.

W.P.No.24901 of 2018

MP (CO)
KKV/20/08/2020



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