

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31238 of 2019

M.N.Subramaniam

..Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,  
Revenue and Disaster Management Department,  
ULC Wing, ULC [1(2)] Section,  
Fort St.George, Secretariat,  
Chennai 600 009.
- 2.The Principal Secretary/Commissioner,  
Urban land ceiling and Urban Land Tax,  
Chepauk,  
Chennai 600 005.
- 3.The Secretary,  
Tamilnadu Slum Clearance Board,  
Office at Beach Road,  
Chepauk,  
Chennai.
- 4.The Member Secretary,  
Madras Metropolitan Development Authority,  
No.52, E.V.K.Sampath Salai,  
Chennai.

5.Govindaraj

6.Chandralakaha Veerabhadra Rao

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in letter no.18923/ULC-I(2)/2019-1 dated 04/10/2019, on the file of the 1st respondent and quash the same as arbitrary and against law and implement as per G.O.Ms.No.565 Revenue Department dated 26.09.2008, pursuant to the impugned order.

For Petitioner : Ms.D.Malarvizhi  
For R 1 to R 3 : Mr.P.Senthilvel  
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 04.10.2019 and for a consequential direction to extend the benefits of G.O.Ms.No.565, dated 26.06.2008.

2.The case of the petitioner is that he purchased the property on 22.04.1989, by way of a registered Sale Deed. Even before this purchase, acquisition proceedings were initiated and the entire property was handed over to the Slum Clearance Board for undertaking developmental activities. According to the petitioner, he was not aware of the proceedings and therefore, the petitioner claims to be a bonafide purchaser. The petitioner was therefore claiming for the relief under G.O.Ms.No.565, dated 26.09.2008.

3.Earlier, the petitioner approached this Court by filing W.P.No.36447/2007 and he had challenged the proceedings of the 1st respondent dated 15.05.1989, wherein, the Competent Authority had declared excess lands and which was subsequently allotted to Slum Clearance Board. This Court while passing the final orders on 27.09.2018, found that G.O.Ms.No.565, dated 26.09.2008, has been issued to safeguard the rights of bonafide purchasers and therefore directed the petitioner to make a fresh representation and seek for compensation.

4.The petitioner thereafter made a representation and the said representation has been rejected by the 1st respondent through the impugned proceedings. The same has been made a subject matter of challenge in the present writ petition.

5.Heard Ms.D.Malarvizhi, learned counsel appearing for the petitioner and Mr.P.Senthilvel, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3.

6.The only issue that required the consideration of the 1st respondent was whether the petitioner was entitled for compensation under G.O.Ms.No.565, dated 26.09.2008. However, it is seen from the impugned order passed by the 1st respondent that the issue of compensation has not been gone into and the 1st respondent has rejected the application filed by the petitioner on the ground that the property has already been handed over to the Slum Clearance Board and therefore, the

regularisation of land in favour of the petitioner cannot be done. In the considered view of this Court, the petitioner was not seeking for the property and he was only asking for compensation as a bonafide purchaser by virtue of G.O.Ms.No.565, dated 26.09.2008. This issue has not been considered by the 1st respondent. Therefore, the proceedings of the 1st respondent requires interference of this Court.

7.In view of the above discussion, the impugned proceedings of the 1st respondent dated 04.10.2019, is hereby quashed and the matter is remanded to the 1st respondent and the 1st respondent is directed to consider the entitlement of the petitioner for compensation as a bonafide purchaser in accordance with G.O.Ms.No.565, Revenue ULCI(1) Department, dated 26.09.2008 and appropriate orders shall be passed in this regard within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of this order.

This writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

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4.The Member Secretary,  
Madras Metropolitan Development Authority,  
No.52, E.V.K.Sampath Salai,  
Chennai.

+1 cc to Mr.R.Marga Bandhu, Advocate, S.R.No.19999

+1 cc to Mr.M.Rajasekhar, Advocate, S.R.No.19892

+1 cc to the Government Pleader, High Court Madras, S.R.No.19727

W.P.No.31238 of 2019

MP (CO)  
RN (19/05/2020)



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