IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.1.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.18692 OF 2017

Mansi Finance (Chennai) Ltd.,
rep.by its Director Mr.Suresh
Bafna ...Petitioner

Vs

1. The Secretary to Government,
   Government of Tamil Nadu,
   Revenue Department, Secretariat,
   Fort.St.George, Chennai-9.

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

3. The Assistant Commissioner, Urban
   Land Tax-Ambattur (E), No.5,
   Sannathi Street, Poonamallee,
   Chennai-56.

4. The Tahsildar, Ambattur Taluk,
   Chennai-53. ...Respondents

Prayer:-

Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to pass appropriate order with suitable direction to respondents 2 to 4 to regularize and grant patta in the name of the petitioner company with respect to the petitioner's land measuring an extent of 28,352 sq.ft out of the total land measuring an extent of 33,217 sq.ft comprised in Survey No.661/2-Part that was purchased by the petitioner company vide two sale deeds both dated 11.7.2008 registered as document Nos.2275 and 2276 of 2008 on the file of the Sub-Registrar, Villivakkam, Chennai under the innocent purchaser scheme mentioned in G.O.Ms.No.565 Revenue (Na.Ni.Vu.Va 1(1)) Department dated 26.9.2008 within a time frame.

For Petitioner : Mr.K.Chandrasekaran
for M/s.Mcgan Law Firm

For Respondents: Mr.N.Srinivasan, AGP

ORDER

I have heard Mr.K.Chandrasekaran, learned counsel for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader appearing for the respondents.

2. The petitioner seeks a direction to the first respondent to issue suitable directions to respondents 2 to 4 to regularize the purchase of a property made by the petitioner company by two sale deeds both dated 11.7.2008 registered as doc.Nos.2275 and 2276 of 2008 on the file of the Sub-Registrar, Villivakkam in respect of the lands comprised in S.F.No.661/2-Part under the innocent purchaser scheme by extending the benefit of G.O. Ms.No.565 Revenue dated 26.9.2008.

3. As could be seen from the report submitted by the third respondent dated 27.5.2015 to the second respondent, the petitioner was classified as an innocent purchaser and the third respondent recommended to the second respondent that the benefits of G.O.Ms.No.565 dated 26.9.2008 may be extended to the petitioner, that the land cost could be collected and that the purchase made by the petitioner could be regularized. Since no action was taken in spite of such a recommendation by the third respondent dated 27.5.2015 and the subsequent representations also did not evoke any response, the petitioner approached this Court by way of this writ petition for the aforementioned relief. With these facts, the learned counsel for the petitioner submits that necessary directions may be issued to the first respondent so as to enable the petitioner to get the benefit of the said Government Order.

4. Mr.N.Srinivasan, learned Additional Government Pleader appearing for the respondents has referred to the counter affidavit and brought to the notice of this Court certain subsequent developments, which have taken place during the pendency of this writ petition. As could be seen from paragraph 4 of the counter affidavit, when the writ petition is pending, the first respondent returned the proposal sent by the second respondent based on the report of the third respondent, vide letter dated 08.11.2018 calling for a revised report with specific recommendation regarding the aspect as to whether the land is still with the petitioner.

5. In terms of the said communication sent by the first respondent dated 08.11.2018, the second respondent, in turn, directed the third respondent to send further details vide letter dated 13.5.2019. It has been stated in the counter affidavit that the copy of the letter dated 13.5.2019 sent by the second respondent to the third respondent has been marked to the petitioner requesting them to submit requisite details before the third respondent. It has also been stated in the counter affidavit that once the link documents are verified as per the guidelines issued by the Government in G.O.Ms.No.34 Revenue and Disaster Management Department dated 04.2.2019, appropriate report would be sent by the third respondent.

6. In the light of the subsequent developments, this Court is of the view that a time frame can be fixed, within which, the Authority concerned can submit further report so as to enable the petitioner to get appropriate relief from the Government.

7. In the light of the above, the writ petition is disposed of by directing the petitioner to approach the third respondent and ascertain as to what are all the required details called for by the second respondent vide letter dated 13.5.2019. After ascertaining the details, the petitioner is directed to furnish all the details in full form to the third respondent within four weeks from the date of receipt of a copy of this order. On being fully satisfied with the details in full form furnished by the petitioner, the third respondent is directed to submit appropriate report to the second respondent within three weeks therefrom. Based on the report of the third respondent, the second respondent is directed to consider and send appropriate report to the first respondent within four weeks thereafter. On receipt of the report from the second respondent, the first respondent is directed to take expeditious action in accordance with law. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

RS

To

1. The Secretary to Government,
Government of Tamil Nadu, Revenue
Department, Secretariat,
Fort.St.George, Chennai-9.

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

3. The Assistant Commissioner,
Urban Land Tax-Ambattur (E), No.5,
Sannathi Street, Poonamallee, Chennai-56.

4. The Tahsildar,
Ambattur Taluk, Chennai-53.

+1cc to Mr.K.Chandrasekaran, Advocate, S.R.No.304
+1cc to the Government Pleader, S.R.No.1003

WP.No.18692 of 2017

SV(CO)
CS/03/03/2020