



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.Nos.2044 & 2045, 8544 to 8549, 8950 to 8953,
9214 to 9217, 9243 to 9246
and 18335 & 18336 of 2015

N.Athimoolam ...Petitioner in WP.No.2044 of 2015
and WP No.2045 of 2015

Mrs.V.Rajalakshmi ...Petitioner in WP No.8544 of 2015
and 8545 of 2015

Mr.K.Chandran ...Petitioner in WP Nos.8546 of 2015
and 8547 of 2015

Mrs.A.Rabila ...Petitioner in WP Nos.8548 of 2015
and 8549 of 2015

1. D.Vincent

2. Mrs.V.Reena ...Petitioners in WP Nos.8950 & 8951 of 2015

1. Mrs.M.Rani

2. M.Rajasekar ...Petitioners in WP Nos.8952 & 8953 of 2015

J.Rameshkumar ...Petitioner in WP Nos.9214 of 2015
& 9215 of 2015

T.Ramesh ...Petitioner in WP Nos.9216 of 2015
and 9217 of 2015

S.Meenatchi ...Petitioner in WP Nos.9243 of 2015
& 9244 of 2015

Mrs.D.Geetha ...Petitioner in WP Nos.9245 of 2015
& 9246 of 2015

Mrs.P.Maheswari ...Petitioner in WP Nos.18335 of 2015
& 18336 of 2015

Vs

1. The State of Tamilnadu,
Rep. by Secretary to Government,
Land Reforms, Fort St.George,
Chennai 600 009. ...1st Respondent in W.P.No.2044 of 2015

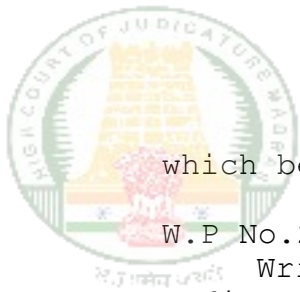


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2. The Special Commissioner,
(Land Reforms),
Chepauk, Chennai 600 005. ...2nd Respondent in W.P.Nos.2044,
8544, 8546, 8548, 8950, 8953, 9214,
9216, 9243, 9245, 18335 of 2015
3. The Assistant Commissioner
Urban Land Ceiling And Regulation Authority,
No.153 Karunigar Street,
Alandur Chennai 600 088
...3rd Respondent in WP No.2044,
8544,8546, 8548, 8950, 8953, 9214,
9216, 9243, 9245, 18335 of 2015
1. The State Of Tamilnadu
Rep By The Secretary To Government,
Revenue Department,
Fort St.George, Chennai 600 009
...1st Respondent in WP Nos.2045,8544, 8545,
8546, 8547 , 8548, 8549, 8950,
8951, 8952, 8953, 9214, 9215,9216, 9217,
9243, 9244, 9245, 9246,18335, 18336 of 2015
2. The District Collector,
Kanchipuram District,
Kanchipuram ...2nd Respondent in WP Nos.2045, 8545,
8547, 8549, 8951, 8952, 9215, 9217,
9244, 9246, 18336 of 2015
3. The Special Tahsildar
Land Acquisition ORR 1 Project,
CMDA, Koyambedu, Chennai 600 092
...3rd Respondent in WP Nos.2045,
8545, 8547, 8549, 8951, 8952, 9215,
9217, 9244, 9246, 18336 of 2015
4. The Member Secretary,
CMDA, Thalamuthu Natarajan Maligai,
Egmore, Chennai 600 028.
...4th Respondent in WP Nos.2045, 8545,
8547, 8549 , 8951, 8952, 8953, 9215,
9217, 9244, 9246, 18336 of 2015.

W.P No.2044 of 2015 :

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire Urban Land Ceiling and Regulation Act, 1978 proceedings in respect of the lands to an extent of 560 sqft comprised in S.No.1292 out of 1.81 acres of land in S.No.1292 situated at Kundrathur Village, Kanchipuram District,



which belongs to the petitioner herein as null and void

W.P No.2045 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire Land acquisition proceedings of the 3rd Respondent herein in Na.Ka.No.23/1997 A1 Award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands to an extent of 560 sqft comprised in S.No.1292 out of 1.81 acres of land in S.No.1292 situated at Kundrathur Village, Kanchipuram District, belonging to the petitioner, as lapsed in respect of the petitioners Land concern as above stated in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

W.P No.8544 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire Urban Land Ceiling and Regulation Act 1978 proceedings in respect of the lands to an extent of 1243 Sq.ft., Plot NO.3, Comprised in S.No.1293 out of 1.16 acres of land in S.No.1293 situated at Kundrathur Village, Kanchipuram District, which belongs to the petitioner herein as null and void

W.P No.8545 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire land acquisition proceedings of the 3rd respondent herein in Na.Ka.No.23/1997 A-1 Award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands to an extent of 1243 sq.ft. at Plot No.3, comprised in S.No.1293 out of 1.16 acres of land in S.No.1293 situated at Kundrathur Village, belonging to the petitioner as lapsed in respect of the petitioners land concern as above stated in view of the Section 24(2) of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

WP No.8546 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire Urban Land Ceiling and Regulation Act 1978 proceedings in respect of the lands to an extent of 1200 Sq.ft., Plot NO.34, Comprised in S.No.1292 out of 1.81 acres of land in S.No.1292 situated at Kundrathur Village, Kanchipuram District, which belongs to the petitioner herein as null and void.



W.P No.8547 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire land acquisition proceedings of the 3rd respondent herein in Na.Ka.No.23/1997 A-1 Award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands of an extent of 1200 sq.ft. at Plot No.34, comprised in S.No.1292 out of 1.81 acres of land in S. No.1292 situated in Kundrathur Village, belonging to the petitioners as lapsed in respect of the petitioners land concern as above stated in view of the Section 24(2) of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(Act 30/2013)

W.P No.8548 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire Urban Land Ceiling and Regulation Act 1978 proceedings in respect of the lands to an extent of 1040 Sq.ft., Plot NO.44 , Comprised in S.No.1292 out of 1.81 acres of land in S.No.1292 situated at Kundrathur Village, Kanchipuram District, which belongs to the petitioner herein as null and void

W.P No.8549 of 2015:

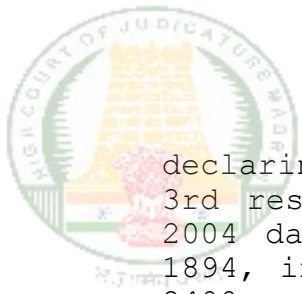
Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire land acquisition proceedings of the 3rd respondent herein in Na.Ka.No.23/1997 A-1 Award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands of an extent of 1040 sq.ft. at Plot No.44, comprised in S.No.1292 out of 1.81 acres of land in S. No.1292 situated in Kundrathur Village, belonging to the petitioner as lapsed in respect of the petitioner's land concern as above stated in view of the Section 24(2) of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(Act 30/2013)

W.P No.8950 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire Urban Land Ceiling and Regulation Act, 1978 proceedings in respect of the lands to an extent of (1200 + 1200) 2400 sq.ft. in Plot No.19 and 20 respectively comprised in S. No.1293 out of 1.16 acres of land in S. No.1293 situated at Kundrathur Village, Kanchipuram District, which belongs to the petitioners herein as null and void

W.P No.8951 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration,



declaring that the entire land acquisition proceedings of the 3rd respondent herein in Na.Ka.No.23/1997 A-1 Award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands to an extent of (1200 and 1200) 2400 sq.ft. at Plot No.19 and 20, comprised in S.No.1293 out of 1.16 acres of land in S. No.1293 situated at Kundrathur Village, belonging to the petitioner, as lapsed in respect of the petitioners land concern as above stated in view of the Section 24(2) of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

W.P No.8952 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire land acquisition proceedings of the 3rd Respondent herein in Na.Ka.No.23/1997 A1 award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894 in respect of the lands of an extent of 600 Sq.ft. at Plot No.39 comprised in S.No.1292 out of 1.81 acres of land in S.No.1292 situated at Kundrathur Village, Kanchipuram District, which belonging to the petitioners as lapsed in respect of the petitioner's land concern as above stated in view of section 24 (2) of the right to fair compensation and transparency in Land Acquisition and rehabilitation and Resettlement Act 2013 Act (30/13)

W.P No.8953 of 2015:

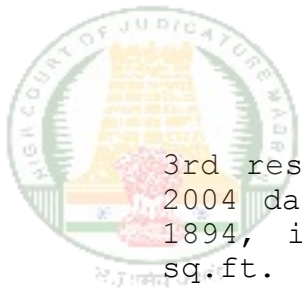
Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire Urban Land Ceiling and Regulation Act 1978 proceedings in respect of the lands to an extent of 600 Sq.feet Plot.No.39 comprised in S.No.1292 out of 1.81 acres of land in S.No.1292 situated at Kundrathur Village, Kanchipuram District which belongs to the petitioner herein as null and void.

W.P No.9214 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, Declaring that the entire Urban Land Ceiling and Regulation Act, 1978 proceedings in respect of the lands to an extent of 1242 and 1205 sq.ft. at Plot No.5 and 6 comprised in S.No.1293 out of 1.16 acres of land in S.No.1293 situated at Kundrathur Village, Kanchipuram District, which belongs to the petitioner herein as null and void.

W.P No.9215 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, Declaring that the entire land acquisition proceedings of the



3rd respondent herein in Na.Ka.No. 23/1997 A1 Award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands to an extent of 1242 and 1205 sq.ft. at Plot No.5 and 6 comprised in S.No.1293 out of 1.16 acres of land in S.No.1293 situated at Kundrathur Village, belongs to the petitioners as lapsed in respect of the petitioner's land concern as above stated in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).

W.P No.9216 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, Declaring that the entire Urban Land Ceiling and Regulation Act, 1978 proceedings in respect of the lands to an extent of 1216 and 1260 sq.ft. at Plot No.4 and 25 comprised in S.No.1293 out of 1.16 acres of land in S.No.1293 situated at Kundrathur Village, Kanchipuram District, which belongs to the petitioner herein as null and void.

W.P No.9217 of 2015:

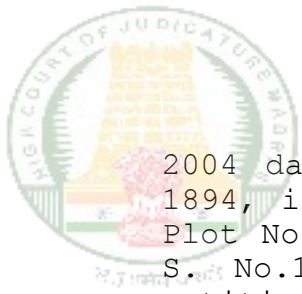
Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, Declaring that the entire land acquisition proceedings of the 3rd respondent herein in Na.Ka.No. 23/1997 A1 Award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands to an extent of 1216 and 1260 sq.ft. at Plot No.4 and 25 comprised in S.No.1293 out of 1.16 acres of land in S.No.1293 situated at Kundrathur Village, belongs to the petitioner as lapsed in respect of the petitioners land concern as above stated in view of the Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).

W.P No.9243 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, Declaring that the entire Urban Land Ceiling and Regulation Act, 1978 proceedings in respect of the lands to an extent of 1232 sq.ft. at Plot No.26 comprised in S.No.1293 out of 1.16 acres of land in S.No.1293 situated at Kundrathur Village, Kanchipuram District, which belongs to the petitioner herein as null and void

W.P No.9244 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire land acquisition proceedings of the 3rd respondent herein in Na.Ka.No.23/1997 A-1 Award No.1/2003-



2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands of an extent of 1232 sq.ft. at Plot No.26 comprised in S.No.1293 out of 1.16 acres of land in S. No.1293 situated at Kundrathur Village, belonging to the petitioners as lapsed in respect of the petitioners land concern as above stated in view of the Section 24(2) of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

W.P No.9245 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire Urban Land Ceiling and Regulation Act, 1978 proceedings in respect of the lands to an extent of 600 sq.ft. in Plot No.27 comprised in S. No.1293 out of 1.16 acres of land in S. No.1293 situated at Kundrathur Village, Kanchipuram District, which belongs to the petitioners herein as null and void

W.P No.9246 of 2015:

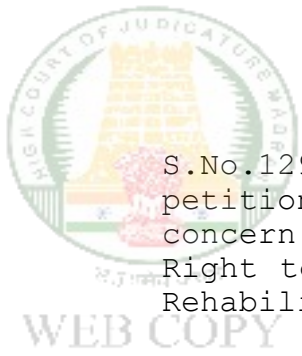
Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, declaring that the entire land acquisition proceedings of the 3rd respondent herein in Na.Ka.No.23/1997 A-1 Award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands of an extent of 600 sq.ft. at Plot No.27, comprised in S.No.1293 out of 1.16 acres of land in S. No.1293 situated at Kundrathur Village, belonging to the petitioner, as lapsed in respect of the petitioners land concern as above stated in view of the Section 24(2) of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

W.P No.18335 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, Declaring that the entire Urban Land Ceiling and Regulation Act, 1978 proceedings in respect of the lands to an extent of 1204 sq.ft. Plot No.5 comprised in S.No.1292 out of 1.81 acres of land in S.No.1292 situated at Kundrathur Village, Kancheepuram District which belongs to the petitioner herein as null and void

W.P No.18336 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of declaration, Declaring that the entire Land Acquisition proceedings of the 3rd Respondent herein in Na.Ka.No.23/1997 A1 Award No.1/2003-2004 dated 25.8.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands to an extent of 1204 sq.ft. at Plot No.5 comprised in S.No.1292 out of 1.81 acres of land in



S.No.1292 situated at Kundrathur Village, belonging to the petitioners, as lapsed in respect of the petitioners Land concern as above stated in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

For Petitioner
in all WP's : Mr.G.Poonkundran

For Respondents
in all WP's : Mr.Richardson Wilson,
Government Advocate

COMMON ORDER

These Writ Petitions are filed to issue a writ of declaration declaring that the entire Urban Land Ceiling and Regulation Act, 1978 proceedings in respect of the petitioners' lands situated at Kundrathur Village, Kanchipuram District, as null and void.

2.All the writ petitioners have purchased their respective house plots comprised in survey No.1292 situated at Sri Boopala Vinayagar Nagar, Pudu Vattaram, Kundrathur by the registered sale deeds. Thereafter, they constructed their respective houses and are residing there. Thereafter, the respondents informed the petitioners that the entire lands were already acquired for the purpose of Outer Ring Road. According to the petitioners, the subject land was acquired under the Urban Land Ceiling and Regulation Act from one, T.M.Sambanda Mudaliar. He died in the year 1970. The legal heirs of the said Sambanda Mudaliar requested the Assistant Commissioner and Urban Land Ceiling & Regulation Authority, Kundrathur to exempt the land admeasuring 1.81 acres comprised in survey No.1292. Accordingly, the said request was considered and exempted the said land in the year 1994 through the endorsement dated 21.09.1994. Thereafter, the said land was developed and laid out into house plots. In the said layout, the petitioners have purchased their respective house plots.

3. Whereas, the respondents filed counter and stated that the subject land was never exempted from Urban Land Ceiling proceedings. After acquiring the said land, the entire lands have been acquired for formation of Outer Ring Road Project, Phase-I. In fact, the Assistant Commissioner ULC, Kundrathur had acquired the lands from Sambandha Mudaliar in S.Nos.1292 and 1293 in two separate acquisition proceedings. However, the petitioners have constructed their respective houses and are residing there.



4. Considering the same, all the petitioners are directed to make a representation within a period of two weeks from the date of receipt of copy of this order before the authority concerned under the innocent purchasers scheme in the light of the GO.Ms.No.649 Revenue dated 29.07.1998 and GO.Ms.No.565 Revenue dated 26.09.2008 to regularise their purchase of their respective plots. On receipt of the same, the authority concerned is directed to consider their request and pass orders in the light of the GO.Ms.No.649 Revenue dated 29.07.1998 and GO.Ms.No.565 Revenue dated 26.09.2008 within a period of twelve weeks thereafter.

5. With the above directions, all the writ petitions are disposed of. No order as to costs.

Sd/-
Assistant Registrar(CS-IX)

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Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamilnadu,
Land Reforms, Fort St.George,
Chennai 600 009
2. The Special Commissioner,
(Land Reforms),
Chepauk, Chennai 600 005
3. The Assistant Commissioner,
Urban Land Ceiling & Regulation Authority,
No.153, Karunigar Street,
Alandur, Chennai 600 088
4. The Secretary To Government,
Revenue Department,
Fort St.George,
Chennai 600 009
5. The District Collector,
Kanchipuram District,
Kanchipuram



6. The Special Tahsildar
Land Acquisition ORR 1 Project,
CMDA, Koyambedu,
Chennai 600 092

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7. The Member Secretary,
CMDA, Thalamuthu Natarajan Maligai,
Egmore, Chennai 600 028.

+21cc to Mr.Poonkundran, Advocate, S.R.No.51702 to 51722

WP.Nos.2044 & 2045, 8544 to 8549,
8950 to 8953, 9214 to 9217,
9243 to 9246 and 18335 & 18336 of 2015

NRL (CO)
RGA (23/02/2022) (03/03/2022)