



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.NOS.28230 TO 28236 OF 2012

AND

M.P.NOS.1, 1, 1, 1, 1, 1 & 1 OF 2012

P.MUTHUKRISHNAN

... PETITIONER in WP No.28230 of 2012

S.SURESH

... PETITIONER in WP No.28231 of 2012

R.ARUCHAMI

... PETITIONER in WP No.28232 of 2012

S.PRIYA

... PETITIONER in WP No.28233 of 2012

A.RAMASAMY

... PETITIONER in WP No.28234 of 2012

A.KALIAPPAN

... PETITIONER in WP No.28235 of 2012

M.GOMATHI

... PETITIONER in WP No.28236 of 2012

Vs.

1. The Government of Tamilnadu,
Rep.by the Special Commissioner &
Commissioner of Land Reforms (Urban Land Ceiling)
Ezhilagam, Chennai - 5.
2. The Assistant Commissioner of Urban Land
Ceiling & Urban Land Tax,
Collectorate Complex, Coimbatore - 18.



3. The Administrative Engineer,
Tamilnadu Slum Clearance Board,
Coimbatore Division, Coimbatore.

... Respondents in all the petitions

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Prayer:

WP No.28230 of 2012:

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from initiated any proceeding under Tamilnadu Land (Ceiling & Regulation) Act 1978 and to drop all further proceedings if any already initiated under the said Act in respect of the petitioner property bearing House Site No.62, Vadivu Nagar, Pothannur-Chettipalayam Main Road, Vellalur Village, Coimbatore Taluk & District comprised in Survey No.484, 485, 486 and 487, Sub Division Survey No.485/1A measuring 1881 sq.ft.

WP No.28231 of 2012:

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from initiating any proceeding under Tamilnadu Land (Ceiling & Regulation) Act 1978 and to drop all further proceedings if any already initiated under the said Act in respect of the petitioner property bearing House Site No.72, Vadivu Nagar, Pothannur-Chettipalayam Main Road, Vellalur Village, Coimbatore Taluk & District comprised in Survey No.484, 485, 486 and 487, Sub Division Survey No.485/1A measuring 3130 sq.ft.

WP No.28232 of 2012:

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from initiating any proceeding under Tamilnadu Land (Ceiling & Regulation) Act 1978 and to drop all further proceedings if any already initiated under the said Act in respect of the petitioner property bearing House Site No.63, Vadivu Nagar, Pothannur-Chettipalayam Main Road, Vellalur Village, Coimbatore Taluk & District comprised in Survey No.484, 485, 486 and 487, Sub Division Survey No.485/1A measuring 1750 sq.ft.



WP No.28233 of 2012:

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from initiating any proceeding under Tamilnadu Land (Ceiling & Regulation) Act 1978 and to drop all further proceedings if any already initiated under the said Act in respect of the petitioner property bearing House Site No.81, Vadivu Nagar, Pothannur-Chettipalayam Main Road, Vellalur Village, Coimbatore Taluk & District comprised in Survey No.484, 485, 486 and 487, Sub Division Survey No.485/1A measuring 2870 sq.ft.

WP No.28234 of 2012:

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from initiating any proceeding under Tamilnadu Land (Ceiling & Regulation) Act 1978 and to drop all further proceedings if any already initiated under the said Act in respect of the petitioner property bearing House Site No.71, Vadivu Nagar, Pothannur-Chettipalayam Main Road, Vellalur Village, Coimbatore Taluk & District comprised in Survey No.484, 485, 486 and 487, Sub Division Survey No.485/1A measuring 3165 sq.ft.

WP No.28235 of 2012:

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from initiating any proceeding under Tamilnadu Land (Ceiling & Regulation) Act 1978 and to drop all further proceedings if any already initiated under the said Act in respect of the petitioner property bearing House Site No.70, Vadivu Nagar, Pothannur-Chettipalayam Main Road, Vellalur Village, Coimbatore Taluk & District comprised in Survey No.484, 485, 486 and 487, Sub Division Survey No.485/1A measuring 1950 sq.ft.

WP No.28236 of 2012:

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from initiating any proceeding under Tamilnadu Land (Ceiling & Regulation) Act 1978 and to drop all further proceedings if any already initiated under the said Act in respect of the



petitioner property bearing House Site No.71, Vadivu Nagar, Pothannur-Chettipalayam Main Road, Vellalur Village, Coimbatore Taluk & District comprised in Survey No.484, 485, 486 and 487, Sub Division Survey No.485/1A measuring 1209 sq.ft.

For Petitioners in all W.Ps : Mrs.K.Srivaishnavi
for M/s.Sree and Associates

For R1 & R2 in all W.Ps : Mr.Richardson Wilson
Government Advocate

For R3 in all W.Ps : No Appearance

C O M M O N O R D E R

These writ petitions have been filed to issue a Writ of Mandamus, forbearing the respondents from initiated any proceeding under the Tamil Nadu Urban Land (Ceiling and Regulation Act) 1978 (hereinafter referred to as 'the Act' for short) and to drop all further proceedings if any already initiated under the said Act in respect of the petitioners' property.

2. All the Petitioners have purchased their respective portions of the lands in the year 2007 by the registered sale deeds. Thereafter, they came to understand about the proceedings initiated under the Act. Therefore, they presented applications on 11.11.2011 before the second respondent seeking regularisation of their lands purchased under the "innocent purchasers scheme". However, the said request was rejected by order dated 28.11.2011. Hence, they filed these writ petitions to forbear the respondents from initiating any proceedings under the Act and to drop all further proceedings.

3. The first and second respondents herein filed counter affidavit from which, it reveals that all the petitioners have purchased their respective plots in the year 2007. The subject lands were declared as "excess", as per the provisions of the Act. As per the Revenue Records i.e., Adangal extract of the land in S.F.No.485(part) and S.F.No.486(part), ad-measuring to an extent of 28,145 sq.mts., stood registered in the name of one Nanjamma Naidu. After his demise, his daughter had inherited the said property. Thereafter, her husband viz., Deenadayalan filed



statement under Section 6(1) of the Act on behalf of his wife. The second respondent inspected the said lands on 15.02.1979 and recorded that the subject lands are with full of pits and burrows where lime stone quarry has been operated and it was found that there was no cultivation in the land owners' portion since last 10 years. However, the land owners applied for exemption during the month of November 1981 to the Government and requested permission to sell the lands as agricultural lands. Thereafter, the second respondent inspected the said lands on 21.07.1983 and reported that the lands in S.F.Nos.485/1 and 2 remain as a lime quarry as state on ground. Therefore, the Government have also directed to take necessary action under Sections 9 and 11 of the Act to acquire the excess vacant land held by the Urban Land Owners, vide Government Letter No.47919/Q1/88-6, dated 18.10.1989. Accordingly, the second respondent pursued further action and passed orders under Section 9(5) of the Act in SR.No.116/86 (A2), dated 26.04.1991 determining an extent of 23,645 sq.mts. as excess vacant land out of 28,145 sq.mts., after allowing an extent of 4,500 sq.mts. towards Urban Land Owners family entitlement. After acquiring the excess lands, necessary changes were carried out in Taluk Records as per the order dated 19.10.1992. Finally, the possession of the excess lands, was taken and the same handed over to the Revenue Authority i.e., Tahsildar, Coimbatore (South) on 11.12.1996. Thereafter, the Government have allotted to an extent of 9,020 sq.mts., in Survey field Number 485/2 situated at Vellalore Village to the Tamil Nadu Slum Clearance Board for their scheme purposes, vide G.O.Ms.No.390, Revenue ULC.I(2) Department, dated 17.09.2003. After remittance of the land value fixed by the Government, the possession of the excess vacant land was handed over to the Tamil Nadu Slum Clearance Board on 31.01.2006. While that being so, in the year 2007, these petitioners have allegedly purchased respective house plots. Therefore, the prayer sought for in these Writ Petitions had become infructuous, since the excess lands were already acquired and utilized for other purposes. After purchasing their respective plots, they made request to the second respondent to regularise their purchase under the "innocent purchasers scheme" on 11.11.2011 and the same were rejected by order dated 28.11.2011.

4. However, as per G.O.Ms.565, Revenue dated 26.09.2008, the purchasers were permitted to regularise their purchase under



the "innocent purchasers scheme". The said Government Order restricted only for sale deeds and subsequently by G.O.Ms.No.63, Revenue Department, dated 27.01.2020, it was extended for Settlement Deed, Partition Deed, Gift Deed, Release Deed, Exchange Deed, etc. Considering the said Government Order, the petitioners are hereby directed to submit their applications to regularize their respective purchases as per the said Government Order before the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider their applications in the light of G.O.Ms.No.63, Revenue Department, dated 27.01.2020 and pass appropriate orders on merits and in accordance with law, within a period of two weeks thereafter.

5. In view of the above observations, these Writ Petitions are disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CJ CONF)

// True Copy //

Sub Assistant Registrar

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To

1. The Special Commissioner &
The Government of Tamilnadu,
Commissioner of Land Reforms (Urban Land Ceiling)
Ezhilagam, Chennai - 5.
2. The Assistant Commissioner of Urban Land
Ceiling & Urban Land Tax,
Collectorate Complex, Coimbatore - 18.
3. The Administrative Engineer,
Tamilnadu Slum Clearance Board,
Coimbatore Division, Coimbatore.

+7ccs to M/s.Sree and Associates, Advocate, S.R.No.51339, 51340, 51341, 51342, 51343, 51344 & 51345

WP.Nos.28230 to 28236 of 2012

RP(CO)
RLP(10/11/2021)