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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.34728 of 2013
and M.P.No.1 of 2013

D.Samuvel

... Petitioner

Vs

- 1.The State of Tamil Nadu rep. by its
The Secretary to Government,
Revenue Department, Fort St. George,
Chennai - 600 009.
- 2.The Special Commissioner & Land Reforms,
Chepauk, Chennai - 600 005.
- 3.The Competent Authority / Asst. Commissioner,
(Urban Land Ceiling and Urban Land Tax),
Coimbatore.
- 4.The Tahsildar,
Coimbatore South Taluk,
Coimbatore - 641 018.

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the acquisition proceedings initiated by the respondents under the provisions of the Tamil Nadu Urban Land (Ceiling & Regulations) Act, 1978 in respect of the house, ground and premises bearing Old Door No.89/A3 New Door No.10, Ramasamy Street, S.I.H.S.Colony, Civil Aerodrome Post, Coimbatore - 641 014, comprised in Survey No.337/5, land measuring 2580 sq.ft. situate at Uppilipalayam Village, Coimbatore South Taluk, Coimbatore Town & District, stands abated in view of Section 4 of the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act, 1999 namely Act 20 of 1999 so as to enable the fourth respondent to incorporate the name of the petitioner as owner of the above property in all the revenue records.



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For Petitioner : No Appearance

For Respondents : Mr. Richardson Wilson,
Government Advocate

O R D E R

This writ petition has been filed to issue a Writ of Declaration declaring the acquisition proceedings initiated by the respondents under the provisions of the Tamil Nadu Urban Land (Ceiling & Regulations) Act, 1978 in respect of the house, ground and premises bearing Old Door No.89/A3 New Door No.10, Ramasamy Street, S.I.H.S.Colony, Civil Aerodrome Post, Coimbatore - 641 014, comprised in Survey No.337/5, land measuring 2580 sq.ft. situate at Uppilipalayam Village, Coimbatore South Taluk, Coimbatore Town & District, stands abated in view of Section 4 of the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act, 1999 namely Act 20 of 1999 so as to enable the fourth respondent to incorporate the name of the petitioner as owner of the above property in all the revenue records.

2. The petitioner challenged the proceedings initiated by the respondents under the Tamil Nadu Urban Land (Ceiling & Regulations) Act, 1978 in respect of the property bearing Old Door No.89/A3, New Door No.10, Ramasamy Street, S.I.H.S Colony, Civil Aerodrome Post, Coimbatore comprised in Survey No.337/2 admeasuring 2580 sq.ft. situated at Uppilipalayam Village, Coimbatore.

3. The petitioner purchased the subject land by the registered sale deed dated 08.02.1984 vide Document No.206 of 1990 from one R.Nandagopal, Son of Ramasamy Naidu. Whereas the third respondent initiated the proceedings under the Tamil Nadu Land Urban (Ceiling and Regulation) Act, 1978, in which the petitioner's vendors father filed return on 12.12.1979 under Section 7(1) of the Act in respect of the property comprised in Survey Nos.336/1, 337/2 and 337/5 to an extent of 4.28 acres situated at Uppilipalayam Village. He also participated in the enquiry.

4. Thereafter, the third respondent inspected the property and found that the lands were converted as Urban land and laid out into unapproved house site plots. Thereafter, a notice under Section 9(4) of the Act with draft statement under Section 9(1) of the said Act was issued on 19.11.1983 to the Urban land owner.



5. The land owner also filed his objections on 14.01.1984. After taking into consideration the objections raised by the Urban Land owner, the order under Section 9(5) of the Act dated 29.08.1985 holding that 7366 sq.mts. as excess land out of total extent of 17321 sq.mts., after allowing 3000 sq.mts. towards family entitlement and 4500 sq.mts. allowed as notional shares to the sons and one daughter of the urban land owner at the rate of 1500 sq.mts. The said order was sent to the land owner on 05.09.1985. Therefore, before the order passed under Section 9 (5) of the Act, the said land was purchased by the petitioner herein.

6. However, the petitioner came to understand about the proceedings only in the year 2007 and approached the third respondent under the scheme of innocent purchasers. But, the request was not considered and as such challenged the acquisition proceedings as abated, in view of Section 4 of the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act, 1999 namely Act 20 of 1999 on the ground that the petitioner is in possession and enjoyment of the said property after constructing his house.

7. Considering the above, the petitioner is directed to approach the third respondent under the innocent purchaser scheme to regularize petitioner's respective sale deed from the Urban Land owner under G.O.Ms.No.565 Revenue Department dated 26.09.2008 and G.O.Ms.No.63 Revenue and Disaster Management Department dated 27.01.2020, if not already approached the said respondent under the said G.O's.

8. With the above directions, this writ petition is disposed of. No order as to costs. Consequently, the connected M.P.No.1 of 2013 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Revenue Department, Fort St. George,
Chennai - 600 009.



2.The Special Commissioner & Land Reforms,
Chepauk, Chennai - 600 005.

3.The Competent Authority / Asst. Commissioner,
(Urban Land Ceiling and Urban Land Tax),
Coimbatore.

4.The Tahsildar,
Coimbatore South Taluk,
Coimbatore - 641 018.

W.P.No.34728 of 2013
and M.P.No.1 of 2013

vsn II[co]
srg 16/11/2021