



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

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

W.P.Nos.8966, 9925 & 9929 of 2021

and

WMP.Nos.9476, 10539 & 10540 of 2021

WP.No.8966 of 2021

R.Gurunath

Vs

... Petitioner

1. The Secretary,
Revenue Department,
Secretariat, Fort St.George,
Chennai 600 009
2. The Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk,
Chennai 600 005
3. The Assistant Commissioner(ULT),
Ambattur Zone,
No.5, Perumal Koil Sannathi Street,
Poonamallee,
Chennai 600 056

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 18.03.2021 in letter No.34941/ULC-I(2)/2020-1 issued by the first respondent denying regularization of the plots belonging to the petitioner and quash the same and consequently directing the first respondent to regularize the petitioner's plots bearing Nos.30, 31, 42(Part), 43, 44, 45, 59 and 60, Natesan Nagar, Athipattu Village, Ambattur Taluk, comprised in S.No.151/1A, 151/1B, 378/2 and 379/1 of Athipattu Village, Ambattur Taluk, Thiruvallur District, as per GO.Ms.No.565 (Revenue Department), dated 26.09.2008 of the first respondent.



For Petitioner : Mr.Ralph V.Manohar
For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

WEB COPY WP.No.9925 of 2021

G.Sasikala

... Petitioner

Vs

1. The Secretary,
Revenue Department,
Secretariat, Fort St.George,
Chennai 600 009
2. The Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk,
Chennai 600 005
3. The Assistant Commissioner(ULT),
Ambattur Zone,
No.5, Perumal Koil Sannathi Street,
Poonamallee,
Chennai 600 056

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 19.03.2021 in letter No.35826/ULC-I(2)/2020-1 issued by the first respondent denying regularization of the plots belonging to the petitioner and quash the same and consequently directing the first respondent to regularize the petitioner's plots bearing Nos.45(Part) and 46, 63, Natesan Nagar, Athipattu Village, Ambattur Taluk, comprised in S.No.378/2 of Athipattu Village, Ambattur Taluk, Thiruvallur District, as per GO.Ms.No.565 (Revenue Department), dated 26.09.2008 of the first respondent.

For Petitioner : Mr.Ralph V.Manohar
For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

WP.No.9929 of 2021

S.Santhosh Raj

... Petitioner

Vs



1. The Secretary,
Revenue Department,
Secretariat, Fort St.George,
Chennai 600 009
2. The Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk,
Chennai 600 005
3. The Assistant Commissioner(ULT),
Ambattur Zone,
No.5, Perumal Koil Sannathi Street,
Poonamallee,
Chennai 600 056

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 19.03.2021 in letter No.35392/ULC-I(2)/2020-1 issued by the first respondent denying regularization of the plots belonging to the petitioner and quash the same and consequently directing the first respondent to regularize the petitioner's plots bearing No.58, Natesan Nagar, Athipattu Village, Ambattur Taluk, comprised in S.No.378/2(part) of Athipattu Village, Ambattur Taluk, Thiruvallur District, as per GO.Ms.No.565 (Revenue Department), dated 26.09.2008 of the first respondent.

For Petitioner : Mr.Ralph V.Manohar

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

COMMON ORDER

This writ petition in WP.No.8966 of 2021 is filed to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 18.03.2021 in letter No.34941/ULC-I(2)/2020-1 issued by the first respondent denying regularization of the plots belonging to the petitioner and quash the same and consequently directing the first respondent to regularize the petitioner's plots bearing Nos.30, 31, 42 (Part), 43, 44, 45, 59 and 60, Natesan Nagar, Athipattu Village, Ambattur Taluk, comprised in S.No.151/1A, 151/1B, 378/2 and 379/1 of Athipattu Village, Ambattur Taluk, Thiruvallur District, as per GO.Ms.No.565 (Revenue Department), dated 26.09.2008 of the first respondent; the writ petition in WP.No.9925 of 2021 is filed to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 19.03.2021 in letter No.35826/ULC-I(2)/2020-1 issued



by the first respondent denying regularization of the plots belonging to the petitioner and quash the same and consequently directing the first respondent to regularize the petitioner's plots bearing Nos.45(Part) and 46, 63, Natesan Nagar, Athipattu Village, Ambattur Taluk, comprised in S.No.378/2 of Athipattu Village, Ambattur Taluk, Thiruvallur District, as per GO.Ms.No.565 (Revenue Department), dated 26.09.2008 of the first respondent; and the Writ petition in WP.No.9929 of 2021 is filed to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 19.03.2021 in letter No.35392/ULC-I(2)/2020-1 issued by the first respondent denying regularization of the plots belonging to the petitioner and quash the same and consequently directing the first respondent to regularize the petitioner's plots bearing No.58, Natesan Nagar, Athipattu Village, Ambattur Taluk, comprised in S.No.378/2(part) of Athipattu Village, Ambattur Taluk, Thiruvallur District, as per GO.Ms.No.565 (Revenue Department), dated 26.09.2008 of the first respondent.

2. The petitioner in WP.No.8966 of 2021 has purchased his plots bearing Nos.30, 31, 42(Part), 43, 44, 45, 59 and 60, Natesan Nagar, Athipattu Village, Ambattur Taluk, comprised in S.No.151/1A, 151/1B, 378/2 and 379/1 of Athipattu Village, Ambattur Taluk, Thiruvallur District under various sale deeds registered vide document No.4380 of 1997 dated 06.11.1997, 1684 of 2003 dated 24.03.2003, 4403 of 2005 dated 29.04.2005, 5079 of 2005 dated 18.05.2005, 11735 of 2005 dated 03.11.2005, 7766 of 2006 dated 03.07.2006 and 11865 of 2006 dated 18.10.2006 at the Office of the Sub Registrar, Ambattur from various vendors. The petitioner in WP.No.9925 of 2021 has purchased her plots bearing Nos.45(Part) and 46, 63, Natesan Nagar, Athipattu Village, Ambattur Taluk, comprised in S.No.378/2 of Athipattu Village, Ambattur Taluk, Thiruvallur District under two sale deeds registered vide document Nos.5184 of 1996 dated 24.10.1996 and 4850 of 2005 dated 11.05.2005 at the Office of the Sub Registrar, Ambattur from two different vendors. The petitioner in WP.No.9929 of 2021 has purchased his plots bearing No.58, Natesan Nagar, Athipattu Village, Ambattur Taluk, comprised in S.No.378/2(part) of Athipattu Village, Ambattur Taluk, Thiruvallur District under two sale deeds registered vide document Nos.1694 of 2003 dated 24.03.2003 and 8813 of 2005 dated 23.08.2005 at the Office of the Sub Registrar, Ambattur from two different vendors.

2.1 When they applied for mutation of revenue records, they were informed by the Tahsildar, Ambattur Taluk that the subject properties were affected by Tamilnadu Urban Land (Ceiling and Regulation) Act, 1978. However, at the time of purchasing those house plots, the petitioners were not aware of the said proceedings. Therefore, the petitioners submitted applications



before the third respondent for regularisation of their sale under the innocent purchasers scheme on the basis of the GO.Ms.No.565 Revenue dated 26.09.2008. Since their respective plots are more than 1 ½ grounds, their request was referred to the first respondent. The first respondent by the impugned order rejected their claim for the reason that the Government have already regularised the land stood in the name of the petitioners to an extent of 12,455 sq.ft. Again, they applied for regularization of the land comprised in survey No.378/2 admeasuring 7912 sq.ft. stood in the name, Sasikala and the land admeasuring 26,728 sq.ft. stood in the name of other petitioner, Gurunath and the land admeasuring 5,075 sq.ft. stood in the name of another other petitioner, Santhosh Raj for regularisation of land totally to an extent of 39,715 sq.ft. That apart, the Government have decided the huge extent of the lands acquired under Tamilnadu Urban Land (Ceiling and Regulation) Act, 1978 can be utilised for various Government purposes for construction of Government offices, public purposes, Social Forestry, Tamilnadu Slum Clearance Board and Tamilnadu Housing Board, etc. Therefore, the request made by the petitioners did not come under the purview of the innocent buyer scheme.

3. Heard, Mr.Ralph V.Manohar, the learned counsel for the petitioners, and Mr.Yogesh Kannadasan, Special Government Pleader appearing for the respondents.

4. Admittedly, all the petitioners have purchased their respective lands in the year 1996 i.e. before repeal Act (20 of 1999) came in to force. The repeal Act came in to force from 16.06.1999. As per Section 4 of the Repeal Act, if the physical possession has not been taken over on the date of commencement of Act, i.e. 16.06.1999, the entire acquisition proceedings initiated under the Tamilnadu Urban Land (Ceiling and Regulation) Act, 1978 have lapsed. Admittedly, the petitioners are still in possession and enjoyment of their respective lands. That apart, GO.Ms.No.565 Revenue dated 26.09.2008 does not curtail any of the purchasers with regards to the extent of the property. Therefore, on the basis of the said Government order, the petitioners are very much entitled to be regularized their purchase under GO.Ms.No.565 Revenue dated 26.09.2008.

5. Considering the above, the impugned orders dated 18.03.2021 and 19.03.2021 are set aside. The first respondent is directed to regularise the petitioners' purchase on receipt of three times value of the subject lands as per GO.Ms.No.565 Revenue dated 26.09.2008 and order to mutate the revenue records in favour of the petitioners within a period of four weeks from the date of receipt of copy of this order.



6. With the above direction, all the writ petitions are allowed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600 009
2. The Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk,
Chennai 600 005
3. The Assistant Commissioner(ULT),
Ambattur Zone,
No.5, Perumal Koil Sannathi Street,
Poonamallee,
Chennai 600 056.

+6ccs to Mr.Ralph V.Manohar, Advocate, S.R.No.62370,62371,62372
+1cc to the Government Pleader, S.R.No.62996

W.P.Nos.8966, 9925 & 9929 of 2021

PA[co]
NSK 16/12/2021