IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.8.2021

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THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.15629 of 2021

L.Jabasheela ... Petitioner

vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Revenue and Disaster Management Department, Secretariat,
Fort St. George, Chennai 600 009.

2. The Commissioner,
Commissioner for Urban Land Ceiling & Urban Land Tax,
Chepauk, Chennai 600 005.

3. The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax,
Tambaram Zone,
153, Karuneegar Street,
Adambakkam, Chennai 600 088. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the Respondents to pass orders on the application submitted by the Petitioner dated 4.2.2021 for regularization of the land in plot Nos. 1 and 2 of an extent of 2400 sq.ft each in S.No.96/1D, pt, Ram Nagar, South Velacherry, Madipakkam, Chennai, under innocent purchaser category in terms of Government Orders issued in G.O.Ms.No.649 Revenue Department dated 29.7.1998 and G.O.Ms.No.565 Revenue (ULC -1(2) Department dated 26.9.2008 within a time frame to be fixed by this court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate

ORDER

The writ petition has been in the nature of writ of mandamus seeking consideration of the representation given by the petitioner on 4.2.2021 for regularisation of the land in plot Nos.1 and 2 measuring 2400 sqft each in S.No.96/1D part Ram Nagar, South Velacherry, Madipakkam, Chennai, under innocent purchaser category in terms of Government Orders issued in G.O.Ms.No.649 Revenue Department dated 29.7.1998 and G.O.Ms.No.565 Revenue (ULC -1(2) Department dated 26.9.2008.

2. The aforesaid land in question had been purchased by the mother of the writ petitioner herein by registered document Nos.1372 of 1988 and 1373 of 1988. Thereafter, the mother/purchaser had settled the property in favour of the petitioner by way of registered settlement deeds dated 31.7.2019 registered as document Nos.4858 of 2019 and 4859 of 2019.

3. The petitioner claims that the land was originally subjected to Urban Land Ceiling proceedings under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. Thereafter, the Government had issued G.O.Ms.No.649 Revenue Department dated 29.7.1998 and took a policy decision to regularise the lands purchased by innocent purchasers and the said G.O. was extended and re-issued in G.O.Ms.No.565. The petitioner now seeks the benefit under the said G.O. In this regard, a representation has been given for favourable consideration on 4.2.2021. Seeking examination of the representation, the present writ petition has been filed in view of the inaction on the part of the respondents concerned.

4. A mandamus is, therefore, issued to the Assistant Commissioner, Urban Land Ceiling and urban Land Tax, Chennai to consider the representation given by the petitioner. The said official may also take into consideration the order of a learned Single Judge passed in W.P.No.8309 of 2019 dated 16.4.2019 in B.Krithika v. The State of Tamil Nadu, represented by its Principal Secretary, Revenue Department and others. In that case also the writ petitioner was a settlee by way of registered settlement deed dated 21.2.2013. The land was purchased on 30.3.1998. The property had, thereafter, settled in favour of the mother of the petitioner by settlement deed dated 13.12.2012 and subsequently it was settled in the name of the writ petitioner on 21.2.2013. A similar contention was raised by the respondents therein that the writ petitioner, being a settlee, cannot avail the benefit of G.O.565 Revenue Department dated 26.9.2008. However, the learned Single Judge had refused to accept such a contention and had very categorically held as under:-

"Therefore, the benefit of G.O.Ms.No.565 Revenue

Department dated 26.9.2008 will not only go to the purchasers, but also go to the settlers or settlees. This issue has already been clarified by various orders passed by this Court. One such order made in W.P.No.777 of 2019 dated 20.3.2019 (G.Manoharan v. State of Tamil Nadu rep. by its Principal Secretary to Government, Revenue and Disaster Management Department, Secretariat, Fort St. George, Chennai-9) clearly shows that the benefit of the G.O.Ms.No.565, Revenue Department, dated 26.9.2008 will apply not only to the innocent purchasers, but also to the settlers and settlees."

5. It is evidently clear that the court had held that the settlee of the land is also entitled under the said Government Order. The present petitioner is also a beneficiary of settlement executed by her mother and therefore, naturally, the dictum laid down by the court will also apply to the petitioner herein. Therefore, a direction is given to the third respondent to issue notice to the petitioner, enquire the petitioner, documents available with the petitioner and also examine the orders of this court extending the benefit to the settlees also and thereafter, take a considered decision within a period of 12 weeks from the date of receipt of copy of this order. The writ petition is disposed of accordingly. No order as to costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

ssk.

To

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
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2. The Commissioner,
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153, Karuneegar Street,
Adambakkam, Chennai 600 088.

+1cc to Government Pleader, SR.No.41502

W.P.No.15629 of 2021

PL(CO)
CT (08/09/2021)