

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 21.04.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.18061 of 2018

G.Murali

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by Principal Secretary to Government
Revenue Department, Fort St. George,
Chennai - 01.
- 2.The Principal Secretary,
Urban and Housing Department
Fort St. George, Chennai - 01.
- 3.The Chairman,
Tamil Nadu Slum Clearance Board, Chennai - 05.
- 4.The Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Ezhilagam, Chepauk, Chennai - 05.
- 5.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Tambaram, Karuneegar Street,
Adambakkam, Chennai - 28.
- 6.The Tahsildar,
Tambaram Taluk,
Kancheepuram District.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to receive payment from the petitioner as per GO Ms.No.565 dated 26/09/2008 under the innocent buyers category for the property bearing Plot No.37, in S.No.412/2 (Part), situate in No.167, Perungalathur Village, admeasuring 4.12 cents and confirm the title and possession on the petitioner over the aforesaid land as sought vide application dated 5.11.2009.

For Petitioner
For Respondents

: Mr.N.A.Nissar Ahmed
: Mr.J.Pothiraj
Special Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to receive payment from the petitioner as per GO Ms.No.565 dated 26/09/2008 under the innocent buyers category for the property bearing Plot No.37, in S.No.412/2 (Part), situate in No.167, Perungalathur Village, admeasuring 4.12 cents and confirm the title and possession on the petitioner over the aforesaid land as sought vide application dated 5.11.2009.

2.The land in question i.e. property bearing Plot No.37 in S.No.412/2 (Part), situate in No.167, Perungalathur Village, admeasuring 4.12 cents claiming to have been purchased by the petitioner without knowing that the land had been in land acquisition proceedings in Urban Land Ceiling Act, therefore, in order to regularise the same, in view of the subsequent repealment of the Urban Land Ceiling Act, he wanted to consider the petitioner as innocent buyers category in view of the G.O.Ms.No.565 Revenue Department dated 26.09.2008 and accordingly after receipt of payment from the petitioner, he can be given relief to release the land from the clutches of land acquisition proceedings under the Tamil Nadu Urban Land Ceiling and Regulation Act. In order to get the said relief, the petitioner has given representation to the respondents on 18.11.2013 and thereafter on 30.06.2018, however those representations since have not been considered, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

3.Reiterating the aforesaid factual aspect, Mr.N.A.Nissar Ahamed, learned counsel appearing for the petitioner would seek indulgence to give a suitable direction to the respondents to consider the request of the petitioner dated 18.11.2013 and 30.06.2018 submitted to the fourth respondent and decide the same and pass orders thereon on merits and in accordance with law within a time frame that may be stipulated by this Court and if such an eventuality, the petitioner would be satisfied.

4.Per contra, Mr.J.Pothiraj, learned Special Government Pleader appearing for the respondents, by relying upon the averments made in the counter affidavit filed by the respondents, would submit that, the land in question claimed to have been purchased in the year 1989 i.e. during the proceedings where the Urban Ceiling Act had come into effect, therefore, it is hit by Section 6 of the Tamil Nadu Urban Ceiling and Regulation Act, 1978. Moreover, the ULC proceedings has come to a conclusion that the land has been taken possession as early as on 06.08.1990 and subsequently, in the land acquired under the ULC proceedings, the Requisition Authority i.e. Tamil Nadu Slum

Clearance Board on 06.11.2001 have also started utilisation of the land. Therefore, the question of considering the request of the petitioner by treating the petitioner as an innocent buyer in this case does not arise, therefore, the request made by the petitioner cannot be accepted and it has only to be rejected. Therefore, the prayer sought for in the writ petition may be rejected and the writ petition can be dismissed, he contended.

5.I have considered the said rival submissions made by the learned counsel appearing for the petitioner and have perused the materials placed before this Court.

6.Even though it was claimed by the petitioner that he was an innocent purchaser, in view of the facts that has been projected by the respondents through the counter affidavit and the submission made by the learned Special Government Pleader appearing for the respondents in this regard, the land acquisition proceedings under the provisions of the Urban Land (Ceiling and Regulation) Act came to an end by 06.08.1990 itself i.e. well before the commencement of Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999 came in and therefore, in the Repeal Act, whatever be the effect of repealing that would not apply to the petitioner's case. Moreover, the land in question has already been handed over on 06.11.2001 to the Requisition Authority and therefore, as claimed by the learned counsel appearing for the official respondents, whether he would be entitled to be considered as an innocent purchaser or not can be very well decided based on the aforesaid facts by the respondents themselves.

7.In that view of the matter, by merely recording the aforesaid made by both sides, this Court is inclined to dispose of this writ petition by giving a direction to the respondents, especially the fourth respondent to pass orders on the representation of the petitioner dated 30.06.2018 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8.With this direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The State of Tamil Nadu
The Principal Secretary to Government
Revenue Department, Fort St. George,
Chennai - 01.
- 2.The Principal Secretary,
Urban and Housing Department
Fort St. George, Chennai - 01.
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- 5.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Tambaram, Karuneegar Street,
Adambakkam, Chennai - 28.
- 6.The Tahsildar,
Tambaram Taluk, Kancheepuram District.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No. 24399
+1cc to the Government Pleader, S.R.No. 25019

W.P.No.18061 of 2018

SR II(CO)
GN(02/07/2021)

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