



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. Nos. 19794 and 19796 of 2021

K.Gandhi @ K.Karuppiyah ... Petitioner in
W.P. No. 19794 of 2021

K.Vijaya ... Petitioner in
W.P. No. 19796 of 2021

-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,
Commissionerate for Urban Land Ceiling & Urban Land Tax,
Chepauk, Chennai-600 005.
3. The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
Tambaram Zone,
No.153, Karuneegar Street,
Adambakkam, Chennai-600 088.

... Respondents in
both W.Ps

PRAYER in W.P. No. 19794 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to pass orders on the application submitted by the petitioner dated 05.04.2021 in the prescribed format and the subsequent enquiry proceedings issued by the third respondent in Na.Ka.No.A/425/2021 dated 15.04.2021 to the petitioner, to regularize the land in Plot No.9 of an extent of 2400 sq.ft in S.No.177, Pomma Nagar, Anakaputhur Village, Pallavaram Taluk, Chengalpattu District under innocent purchaser category in terms of Government Orders issued in G.O.Ms.No.649, Revenue Department dated 29.07.1998 and G.O.Ms.No.565, Revenue [ULC-1(2)] Department dated 26.09.2008, within a time frame to be fixed by this Hon'ble Court.



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RAYER in W.P. No. 19796 of 2021 : Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to pass orders on the application submitted by the petitioner dated 05.04.2021 in the prescribed format and the subsequent enquiry proceedings issued by the third respondent in Na.Ka.No.A/424/2021 dated 15.04.2021 to the petitioner, to regularize the land in Plot No.4 of an extent of 3080 sq.ft in S.No.177, Pommaai Nagar, Anakaputhur Village, Pallavaram Taluk, Chengalpattu District under innocent purchaser category in terms of Government Orders issued in G.O.Ms.No.649, Revenue Department dated 29.07.1998 and G.O.Ms.No.565, Revenue [ULC-1(2)] Department dated 26.09.2008, within a time frame to be fixed by this Hon'ble Court.

For Petitioners
in both W.Ps' : Mr.G.R.Ramesh Prabbhu

For Respondents
in both W.Ps' : Mr.K.M.D.Muhilan
Government Advocate

C O M M O N O R D E R

Since the issues raised in both these Writ Petitions are one and the same, with the consent of the learned counsel appearing for both sides, both the Writ Petitions have been heard together and are disposed of by this common order.

2. The short facts which are required to be noticed for the disposal of these Writ Petitions are as follows:

(i) The subject lands in S.No.177 along with larger extent was originally owned by one S.Ragunathan and others who have developed the said lands into a layout by dividing into various plots called "Pommaai Nagar" and sold to various persons.

(ii) In W.P. No. 19794 of 2021, the petitioner has purchased the land to an extent of 2400 sq.ft. in Plot No.9 in Survey No.177 from the original owners namely V.Gopalakrishnan Naicker and G.Gajalakshmi Ammal vide Document No. 917 of 2002 dated 03.04.2002 and he is in possession and enjoyment of the property, duly assessed with property tax and EB service connection (200 sq.ft.)

(iii) In W.P. No. 19796 of 2021, the petitioner has purchased the land to an extent of 3080 sq.ft. in Plot No.4 in Survey No.177 from the original owners namely V.Gopalakrishnan Naicker and G.Gajalakshmi Ammal vide Document No. 918 of 2002 dated 03.04.2002 and she is in possession and enjoyment of the property, duly assessed with property tax and EB service connection (1200 sq.ft.)



(iv) While so, the petitioners came to know that the lands along with its larger extent originally subjected to Urban Land Ceiling proceedings under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. Whereas, the lands in Survey No. 177, Anakaputhur Village, Tamabaram Taluk, Kancheepuram District (now Chengalpattu District) have been developed into Housing Colony in the name of 'Pommaai Nagar'. Subsequently, number of innocent purchasers purchased the lands without any reference to land ceiling proceedings including the petitioners.

(v) In this regard, Government issued orders in G.O.Ms.No.649, Revenue Department dated 29.07.1998 by which the Government has taken a policy decision to regularize the lands purchased by innocent purchasers without reference to Urban Land Ceiling proceedings by collecting fees for the lands as stated therein and the period of sale was covered by Government Order from 03.08.1976 to 31.12.1994. Subsequently, as per G.O.Ms.No.565, Revenue Department dated 26.09.2008, the time limit has been further extended to cover the purchase of the land in the subsequent period.

(vi) In the light of the above said Government Orders, the petitioners submitted applications seeking to grant relaxation to the innocent purchasers for regularizing the land covered by Urban Land Ceiling proceedings in the prescribed format for regularization of lands on 05.04.2021.

(vii) On that basis, the third respondent had issued notice for enquiry to the petitioners dated 15.04.2021 to hold an enquiry on 07.05.2021 wherein the petitioners participated and produced all the documents which have been duly verified and a statement was obtained by the third respondent for the purpose of regularization. However, no further orders have been passed by the third respondent thereafter.

(viii) In this regard, in the absence of any order being passed by the third respondent in terms of the Government Order, on receipt of necessary charges to be payable under the Government Order, the lands cannot be regularized. Though the enquiry is contemplated, the respondents have not passed orders till date, adverse to the interest of the petitioners and affecting the rights of the petitioners over the property.

(ix) In this regard, similarly placed person like the petitioners in Mathur Village, Madhavaram Taluk has filed Writ Petition before this Court in W.P. No. 4991 of 2019 wherein this Court passed order with a direction to pass orders on the application made by the petitioners, in and by order dated



28.03.2019, duly complied with by the respondents herein. Therefore, the petitioners have given a representation to the respondents. Since the same has not been considered, the petitioners have come forward with the above prayer.

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

4. The learned counsel appearing for the petitioners submitted that the petitioners will be satisfied if a direction is issued to the respondents to consider the petitioners' representation dated 05.04.2021 and dispose of the same within a stipulated time that may be framed by this Court.

5. Having regard to the limited scope of the prayer that is now sought for in these Writ Petitions before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioners' representation or the case pleaded by the petitioners in these Writ Petitions, the Writ Petitions are disposed of, with a direction to the respondents to consider the petitioners' representation dated 05.04.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioners and respondents within a period of six weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Revenue and Disaster Management Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Commissionerate for Urban Land Ceiling & Urban Land Tax,
Chepauk, Chennai-600 005.



3. The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
Tambaram Zone,
No.153, Karuneegar Street,
Adambakkam, Chennai-600 088.

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+10CCs to Mr.G.R.Ramesh Prabbhu, Advocate Sr.47359, 47358

W.P. Nos. 19794 and 19796 of 2021

ad[co]
srg 10/11/2021