



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.25685 OF 2021

1. R.S.Apitha

2. R.S.Viswanathan

... Petitioners

.Vs.

1. The State of Tamilnadu,
Rep. By its Secretary to Government,
Revenue and Disaster Management Department ULC,
1(2) Wing Secretariat,
Fort George,
Chennai - 600 009.

2. The Special Commissioner,
Commissionerate for Urban and
Land Ceiling & Urban Land Tax,
Chepauk, Chennai - 600 009.

3. The Assistant Commissionerate of
Urban Land Ceiling and Urban Land Tax,
St.Thomas Mount,
Chennai - 600 016.

4. The Tahsildar,
Pallavaram Taluk,
Pallavaram.

5. The District Revenue Officer,
Office of the District Collector,
Pallavaram.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents or their men, to pass appropriate orders based on the application submitted by the petitioner for regularization of lands under innocent purchaser category and to consider the



representation dated 05.03.2003, and to declare that the vacant land situated at Pozhichalur Village, Pallavaram Taluk, which comprised in survey No.230/2A measuring to an extent of 22 cents, does not attract the provisions of Tamilnadu Urban Land Ceiling Act, 1978 or Section 3(1)(a) of the Tamilnadu Urban Land (Ceiling and Regulation) Repeal Act, 1999, for the removal of land ceiling.

For Petitioners : Mr.P.Paul Britto Kumar

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition is filed for direction directing the respondents or their men, to pass appropriate orders based on the application submitted by the petitioner for regularization of lands under innocent purchaser category and to consider the representation dated 05.03.2003, and to declare that the vacant land situated at Pozhichalur Village, Pallavaram Taluk, which comprised in survey No.230/2A measuring to an extent of 22 cents, does not attract the provisions of Tamilnadu Urban Land Ceiling Act, 1978 or Section 3(1)(a) of the Tamilnadu Urban Land (Ceiling and Regulation) Repeal Act, 1999, for the removal of land ceiling.

2. Heard, Mr.P.Paul Britto Kumar, the learned counsel for the petitioners, and Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the second petitioner purchased the vacant land comprised in survey No.230/2A admeasuring 2255 sq.ft. by the registered sale deed dated 29.04.1983 registered vide document No.1972 of 1983 on the file of the Sub Registrar Office, Pallavaram. Thereafter, he was also issued patta on 24.04.1987 in patta No.1792 vide proceedings dated 01.04.1992 and however later came to understand that the subject property was already covered under Tamilnadu Urban Land (Ceiling and Regulation) Act, 1978. Though it was under acquisition proceedings, the possession of the said property has not been taken till today and the petitioners are in possession and enjoyment of the said property even till today. Therefore, they submitted application before the third respondent to regularise their purchase under the innocent purchaser scheme in view of GO.Ms.No.649 Revenue dated 29.07.1998 and GO.Ms.No.565 Revenue dated 26.09.2008.



4. Considering the same, the petitioners are directed to make fresh application to regularise their purchase before the third respondent within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the third respondent is directed to consider the same in view of GO.Ms.No.649 Revenue dated 29.07.1998 and GO.Ms.No.565 Revenue dated 26.09.2008 and, after giving them opportunity of hearing, pass orders to regularise their purchase of the vacant land comprised in survey No.230/2A admeasuring 2255 sq.ft. by the registered sale deed dated 29.04.1983 registered vide document No.1972 of 1983 on the file of the Sub Registrar Office, Pallavaram, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order.

5. With the above directions, this writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamilnadu,
Revenue and Disaster Management Department ULC
1(2) Wing Secretariat,
Fort George,
Chennai - 600 009.
2. The Special Commissioner,
Commissionerate for Urban and
Land Ceiling & Urban Land Tax,
Chepauk, Chennai - 600 009.
3. The Assistant Commissionerate of
Urban Land Ceiling and Urban Land Tax,
St.Thomas Mount,
Chennai - 600 016.
4. The Tahsildar,
Pallavaram Taluk,
Pallavaram.



5. The District Revenue Officer,
Office of the District Collector,
Pallavaram.

6. The Sub-Registrar,
Registrar Office,
Pallavaram.

+lcc to Mr.P.Paul Britto Kumar, Advocate, S.R.No.64069
+lcc to the Government Pleader, S.R.No.64395

W.P.NO.25685 OF 2021

SPD(CO)
PBS/16/12/2021