



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.26699, 26703 & 26708 OF 2018

W.P.NO.26699 OF 2018

S.Vasu

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Special Commissioner,
(Land Reforms) Chepauk,
Chennai - 600 005.
3. The Asst. Commissioner,
Urban Land Ceiling & Regulation Authority,
No.153, Karunigar Street,
Alandur, Chennai - 600 016.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorari, to declare that the entire Urban Land Ceiling and Regulation Act, 1978 proceedings in respect of the lands to an extent of 1200 sq.ft., in plot No.32, comprised in S.No.1292 out of 1.81 acres of land in S.No.1292 situated at Kundrathur Village, Kanchipuram District, which belongs to the petitioner herein as null and void.

For Petitioner : Mr.G.Poonkundran

For Respondents : Mr.A.Selvendran
Special Government Pleader



W.P.NO.26703 OF 2018

Mymuna Bi

... Petitioner

-Vs-

WEB COPY

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kanchipuram District,
Kanchipuram.
3. The Special Tahsildar,
Land Acquisition ORR 1 Project,
C.M.D.A. Koyambedu,
Chennai - 600 092.
4. The Member Secretary,
C.M.D.A.,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai - 600 008.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of declaration, to declare that the entire land acquisition proceedings of the third respondents herein in Na.Ka.No.23/1997 A1 Award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act, 1894, in respect of the lands to an extent of 1200 sq.ft., in plot No.30 comprised in S.No.1292 out of 1.81 acres of land in S.No.1292 situated at Kundrathur Village, belonging to the petitioner, as lapsed in respect of the petitioner's land concerned as above stated in view of the Section 24(2) of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

For Petitioner : Mr.G.Poonkundran

For Respondents

For R1 to R3 : Mr.A.Selvendran
Special Government Pleader



W.P.NO.26708 OF 2018

Mymuna Bi

... Petitioner

-Vs-

WEB COPY

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Special Commissioner,
(Land Reforms) Chepauk,
Chennai - 600 005.
3. The Asst. Commissioner,
Urban Land Ceiling & Regulation Authority,
No.153, Karunigar Street,
Alandur, Chennai - 600 016.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of declaration, to declare that the entire Urban Land Ceiling and Regulation Act, 1978 proceedings in respect of the lands to an extent of 1200 sq.ft., in plot No.30, comprised in S.No.1292 out of 1.81 acres of land in S.No.1292 situated at Kundrathur Village, Kanchipuram District, which belongs to the petitioner herein as null and void.

For Petitioner : Mr.G.Poonkundran

For Respondents : Mr.A.Selvendran
Special Government Pleader

COMMON ORDER

These Writ Petitions have been filed to declare that the proceedings initiated under the Urban Land Ceiling and Regulation Act, 1978, in respect of the petitioners' lands are concerned situated at Kundrathur Village, Kanchipuram District, as null and void.

2. Heard Mr.G.Poonkundran, learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents in all the Writ Petitions.



3. All the writ petitioners have purchased their respective house plots comprised in survey No.1292 situated at Sri Boopala Vinayagar Nagar, Pudu Vattaram, Kundrathur by the registered sale deeds. Thereafter, they constructed their respective houses and are residing there. Thereafter, the respondents informed the petitioners that the entire lands were already acquired for the purpose of Outer Ring Road. According to the petitioners, the subject land was acquired under the Urban Land Ceiling and Regulation Act from one, T.M.Sambanda Mudaliar and he died in the year 1970. The legal heirs of the said Sambanda Mudaliar requested the Assistant Commissioner and Urban Land Ceiling & Regulation Authority, Kundrathur to exempt the land ad measuring 1.81 acres comprised in survey No.1292. Accordingly, the said request was considered and exempted the said land in the year 1994 through the endorsement dated 21.09.1994. Thereafter, the said land was developed and laid out into house plots. In the said layout, the petitioners have purchased their respective house plots.

4. Whereas, the respondents filed counter and stated that the subject land was never exempted from Urban Land Ceiling proceedings. After acquiring the said land, the entire lands have been acquired for formation of Outer Ring Road Project, Phase-I. In fact, the Assistant Commissioner ULC, Kundrathur had acquired the lands from Sambandha Mudaliar in S.Nos.1292 and 1293 in two separate acquisition proceedings. However, the petitioners have constructed their respective houses and are residing there.

5. Considering the same, all the petitioners are directed to make a representation, within a period of two weeks from the date of receipt of copy of this order, before the authority concerned under the Innocent Purchasers Scheme in the light of the GO.Ms.No.649 Revenue dated 29.07.1998 and GO.Ms.No.565 Revenue dated 26.09.2008 to regularize their purchase of their respective plots. On receipt of the same, the authority concerned is directed to consider their request and pass orders in the light of the GO.Ms.No.649 Revenue dated 29.07.1998 and GO.Ms.No.565 Revenue dated 26.09.2008 within a period of twelve weeks thereafter.

6. With the above directions, all the Writ Petitions are disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



rts

To

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Special Commissioner,
(Land Reforms) Chepauk,
Chennai - 600 005.
3. The Assistant Commissioner,
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5. The Special Tahsildar,
Land Acquisition ORR 1 Project,
C.M.D.A. Koyambedu,
Chennai - 600 092.
6. The Member Secretary,
C.M.D.A.,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai - 600 008.

+1cc to Mr.G.Poonkundran, Advocate, S.R.No.59265
+1cc to the Government Pleader, S.R.No.59758

W.P.NOS.26699, 26703
& 26708 OF 2018

CP(CO)
PBS/06/12/2021