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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.31077 to 31079 of 2018

G.Shivaraman Petitioner in W.P.No.31077 of 2018
R.Rosi Naidu Petitioner in W.P.No.31078 of 2018
M.Subburayan Petitioner in W.P.No.31079 of 2018

-Vs-

1. The Principal Secretary to Government,
Revenue Department,
Fort.St.George,
Chennai - 600009.
2. The Commissioner,
Urban Land Ceiling and Tax,
Ezhilagam, Chepauk,
Chennai.
3. The Commissioner,
Tambaram Municipality,
Tambaram, Chennai - 600045.
4. The Assistant Commissioner,
Office of the Assistant Commissioner,
Urban Land Tax, Tambaram
No. 153, Karuneegar Street,
Adambakam,
Chennai - 600088. Respondents in all W.Ps

Prayer in W.P.No.31077 of 2018 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first and second respondents to pass an order in the form of regularization dated 27.08.2009 submitted by the petitioner for the release of his land comprised in Survey Nos. 390/7C situated at Tambaram Taluk, Chennai from the Urban Land Ceiling, in view of the Government Order in G.O.(Ms).No.565, dated 26.09.2008.



Prayer in W.P.No.31078 of 2018 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first and second respondents to pass an order in the form of regularization dated 27.08.2009 submitted by the petitioner for the release of his land comprised in Survey Nos. 390/8B situated at Tambaram Taluk, Chennai from the Urban Land Ceiling, in view of the Government Order in G.O.(Ms).No.565, dated 26.09.2008.

Prayer in W.P.No.31079 of 2018 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first and second respondents to pass an order in the form of regularization dated 30.10.2009 submitted by the petitioner for the release of his land comprised in Survey Nos. 390/8B situated at Tambaram Taluk, Chennai from the Urban Land Ceiling, in view of the Government Order in G.O.(Ms).No.565, dated 26.09.2008.

In all W.Ps

For Petitioners : Mr.S.P.Parthasarthy

For R1,R2 & R4 : Mr.M.R.Gokul Krishnan
Government Advocate.

For R3 : No Appearance

COMMON ORDER

W.P.No.31077 of 2018 has been filed for the issuance of a Writ of Mandamus, directing the first and second respondents to pass an order in the form of regularization dated 27.08.2009 submitted by the petitioner for the release of his land comprised in Survey Nos. 390/7C situated at Tambaram Taluk, Chennai from the Urban Land Ceiling, in view of the Government Order in G.O.(Ms).No.565, dated 26.09.2008.

2. W.P.No.31078 of 2018 has been filed for the issuance of a Writ of Mandamus, directing the first and second respondents to pass an order in the form of regularization dated 27.08.2009 submitted by the petitioner for the release of his land comprised in Survey Nos. 390/8B situated at Tambaram Taluk, Chennai from the Urban Land Ceiling, in view of the Government Order in G.O.(Ms).No.565, dated 26.09.2008.

3. W.P.No.31079 of 2018 has been filed for the issuance of a Writ of Mandamus, directing the first and second respondents to pass an order in the form of regularization dated



30.10.2009 submitted by the petitioner for the release of his land comprised in Survey Nos. 390/8B situated at Tambaram Taluk, Chennai from the Urban Land Ceiling, in view of the Government Order in G.O. (Ms).No.565, dated 26.09.2008.

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4. Heard, Mr.S.P.Parthasarthy, learned counsel appearing for the petitioners, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1, 2 & 4 and none appeared on behalf of the third respondent.

5. The case of the petitioners is that they have purchased the subject property and approached the revenue officials for issuance of patta. Thereafter, they came to know about all the properties were under Government Ceiling as prescribed under the Tamil Nadu Urban Land (Ceiling and Regulation Act), 1978. In the mean while, the first respondent issued G.O.Ms.No.565, Revenue Department, dated 26.09.2008, formulating a scheme for regularising land, which were under the Government Ceiling and made it applicable for lands purchased innocently till the date of issuance of the said Government order. Therefore, the petitioners have sent their representations requesting for regularization of the respective lands purchased by them.

6. A perusal of the counter reveals that the subject land, in all the writ petitions, purchased by the petitioners respectively were part and parcel of the land declared as excess vacant land acquired under the provisions of Tamil Nadu Urban Land (Ceiling and Regulation Act), 1978. The petitioners have applied before the fourth respondent requesting to regularize the subject land purchased by them under innocent buyers category. After due enquiry and verification of records, a report was sent to the first respondent by the second respondent vide a letter No.5149/2015/E2, dated 18.06.2018 for regularization of the lands purchased by the petitioners and orders are awaited. A final report was sent by the second respondent to the Government for regularization of the subject lands purchased by the petitioners, which is pending for want of orders from the Government.

7. That apart, similarly placed persons, who were purchased the lands under the innocent category, were regularised by G.O.Ms.No.505, dated 09.08.2021. The relevant portion of the G.O.Ms.No.505 is as follows :-

"2. The Additional Chief Secretary/Commissioner of Urban Land Ceiling and Urban Land Tax has recommended to the Government to regularise the land innocently purchased by Tmt.Mary Elizabeth in S.No.390/6C measuring an extent of 500 sq.mts of Tambaram Village on payment of Rs.2,50,000/-.



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3. The Government have carefully examined the proposals of the Additional Chief Secretary / Commissioner of Urban Land Ceiling and Urban Land Tax and decided to accept the recommendation of the Additional Chief Secretary / Commissioner of Urban Land Ceiling and Urban Land Tax. Accordingly, the Government regularise the lands innocently purchased by Tmt. Mary Elizabeth in S.No.390/6C measuring an extent of 500 sq.mts of Tambaram Village, Tambaram Zone on payment of two times of land value of Rs.2,50,000/- as per G.O.(Ms) No.565, Revenue, dated 26.09.2008 and minutes of the meeting held on 18.11.2014.

(i) The Additional Chief Secretary / Commissioner of Urban Land Ceiling and Urban Land Tax should satisfy himself that the proposal is in accordance with the Government Orders issued in this regard and minutes of the meeting held during November 2014.

(ii) The Additional Chief Secretary / Commissioner of Urban Land Ceiling and Urban Land Tax is instructed to verify if any writ petitions are filed against the subject land and to ensure that the correct ownership in respect of the lands to be regularised is followed."

8. Considering the above, the first respondent is directed to consider the petitioners request for regularization of their respective land for release from Urban Land Ceiling, in view of G.O.Ms.No.565, dated 26.09.2008 and pass orders, within a period of two weeks from the date of receipt of a copy of this order.

9. In the result, these writ petitions are allowed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Lpp/mn
To

1. The Principal Secretary to Government,
Revenue Department,
Fort.St.George,
Chennai - 600009.



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2. The Commissioner,
Urban Land Ceiling and Tax,
Ezhilagam, Chepauk,
Chennai.
3. The Commissioner,
Tambaram Municipality,
Tambaram, Chennai - 600045.
4. The Assistant Commissioner,
The office of the Assistant Commissioner,
Urban Land Tax, Tambaram
No. 153, Karuneegar Street,
Adambakam, Chennai - 600088.

+3cc to Mr.R.S.Pandiyaraj, Advocate Sr.49811
+1cc to the Government Pleader Sr.49470
+1cc to Mr.P.Srinivas, Advocate Sr.49399

W.P.Nos.31077 to 31079 of 2018

br[co]
srg 11/11/2021