



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD) .Nos.12406 & 12407 of 2021

Sundar

...Petitioner in W.P(MD).No.12406 of 2021

S.Arun

...Petitioner in W.P(MD).No.12407 of 2021

Vs.

1.The Special Commissioner/Land Reforms Commissioner,
Chepauk,
Chennai-600 005.

2.The Principal Secretary/Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepuak,
Chennai-600 005.

3.The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
East 1st Cross Street, K.K.Nagar,
Madurai-625 020.

...Respondents in both petitions

Prayer in W.P.(MD).No.12406 of 2021: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to regularize the petitioner's property in Survey No.95/7A1, Avaniyapuram Village, Madurai District, to the extent of 2299 sq.ft, as per G.O.Ms.No.565, dated 26.09.2008 and based upon the petitioner's representation dated 12.06.2021.

Prayer in W.P.(MD).No.12407 of 2021: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to regularize the petitioner's property in Survey No.95/7A, 96/2A corresponding new Survey No.768/5, Avaniyapuram Village, Madurai District, to the extent of 2896 sq.ft, as per G.O.Ms.No.565, dated 26.09.2008 and based upon the petitioner's representation dated 12.06.2021.

In both petitions

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.R.Suresh Kumar

COMMON ORDER

The subject matter of challenge in both these writ petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2. Both these writ petitions have been filed for the issue of Writ of Mandamus directing the first respondent to regularize the



purchase of the properties by the petitioners under the Innocent Purchaser Scheme covered under G.O.Ms.No.565, dated 26.09.2008.

3. The case of the petitioners is that they have purchased the properties without knowing that the same was a subject matter under the Land Ceiling Act. Subsequently, a Government Order was passed in G.O.Ms.No.565, dated 26.09.2008, which provides for regularization of the purchase of properties for those persons, who fall within the category of innocent purchasers. This benefit will be applicable only to those purchasers, who have purchased the property till the date of publication of the Government Order. According to the petitioners, they are entitled for the relief under the Government Order. The petitioners made a representation in this regard to the respondents on 12.06.2021. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.K.K.Kannan, learned counsel appearing for the petitioners and Mr.R.Sureshkumar, learned Government Advocate appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the third respondent to consider the representation made by the petitioner on 12.06.2021 and after enquiry, the third respondent shall submit the report before the second respondent within a period of four (4) weeks from the date of receipt of a copy of this order. The second respondent, on receipt of the report, shall scrutinize the relevant documents and shall submit a report before the first respondent within a period of six (6) weeks thereafter. The first respondent, on receipt of the report from both the second and third respondents, shall deal with the request made by the petitioners in line with G.O.Ms.No.565, dated 26.09.2008 and shall pass final orders within a period of eight weeks thereafter.

6. The petitioner is directed to make a fresh representation to the respondents along with all the relevant documents and also a copy of this order.

7. Both these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

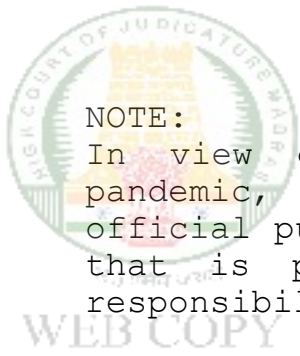
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/ /2021

Sub Assistant Registrar(CS)

tsg

<https://hcservices.ecourts.gov.in/hcservices/>



NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Special Commissioner/Land Reforms Commissioner,
Chepauk,
Chennai-600 005.

2.The Principal Secretary/Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepuak,
Chennai-600 005.

3.The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
East 1st Cross Street, K.K.Nagar,
Madurai-625 020.

+2 CC to M/s.K.K.KANNAN, Advocate (SR-23687,23687[F] dated 23/07/2021)

+1 CC to M/s.GP (SR-23889[F] dated 26/07/2021)

W.P (MD) .Nos.12406 & 12407 of 2021
23.07.2021

RD(3.08.2021) 3P 7C