



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.11089 OF 2012

AND

W.P.NOS.1633, 1638 AND 1640 OF 2020

W.P.NO.11089 OF 2012

1. G.Pappammal
2. G.Vitta Bai
3. G.Vanajatchi
4. G.Venkatesh
5. Jamuna
6. Pangajam
7. Dilli
8. Govindarajulu
9. Lakshmi
10. Veeraragavalu
11. Jothi
12. Ramesh

... Petitioners

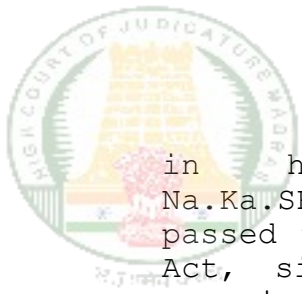
.Vs.

1. The Special Commissioner and Commissioner
Urban Land Ceiling & Urban Land Tax,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The Assistant Commissioner,
For Urban & Land Tax, Tambaram,
At Adambakkam, Chennai - 600 088.
3. The Tahsildar,
Alandur Taluk,
Alandur,
Chennai - 600 016.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the proceedings initiated by the second respondent



in his Na.Ka.SR.No.163/97B, Na.Ka.SR.No.166/97B and Na.Ka.SR.No.164/97B, dated 26.06.1997 and consequential orders passed thereafter are abated in view of Section 4 of the Repeal Act, since the physical possession of the Agriculture Land comprised in Survey No.19/1 Part to an extent of 41 cents, Survey No.22/3A to an extent of 26 cents, Survey No.20/1 part to an extent of 72 cents, Survey No.22/1 to an extent of 14 cents and Survey No.19/2 to an extent of 42 cents in all totalling 1.95 Acres, situated at Anagaputtur Village, Tambaram Taluk, Kancheepuram District is with the petitioners.

For Petitioners : No Appearance

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

W.P.NOS.1633, 1638 AND 1640 OF 2020

O.A.Gopalakrishnan

... Petitioner in
W.P.No.1633 of 2020

S.Jayakumar

... Petitioner in
W.P.No.1638 of 2020

M.Sampath

... Petitioner in
W.P.No.1640 of 2020

.Vs.

1. The Special Commissioner and Commissioner
Urban Land Ceiling & Urban Land Tax,
Ezhilagam, Chepauk,
Chennai - 600 005.

2. The Assistant Commissioner,
For Urban & Land Tax,
Tambaram, At Adambakkam,
Chennai - 600 088.

3. The Tahsildar,
Pallavaram Taluk,
Pallavaram,
Chennai - 600 043.

4. The Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George,
Chennai - 600 009.

... Respondents in W.P.Nos.1633,
1638 and 1640 of 2020



PRAYER IN W.P.NO.1633 OF 2020:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in proceedings Letter No.11045/ULC-I (2)/2019-1, dated 06.08.2019 and quash the same and consequential relief directing the first, second and fourth respondents to consider the application of the petitioner under the innocent buyer category pertaining to property bearing Anakaputhur Village, comprised in Survey No.22/3-A, in Plot No.3, measuring an extent of 3241 sq.ft and receive the payment from the petitioner.

PRAYER IN W.P.NO.1638 OF 2020:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in proceedings Letter No.11046/ULC-I (2)/2019-1, dated 09.08.2019 and quash the same and consequential relief directing the first, second and fourth respondents to consider the application of the petitioner under the innocent buyer category pertaining to property bearing Anakaputhur Village, comprised in Survey No.22/3-A, in Plot No.1, measuring an extent of 2743 sq.ft and receive the payment from the petitioner.

PRAYER IN W.P.NO.1640 OF 2020:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in proceedings Letter No.11044/ULC-I (2)/2019-1, dated 09.08.2019 and quash the same and consequential relief directing the first, second and fourth respondents to consider the application of the petitioner under the innocent buyer category pertaining to property bearing Anakaputhur Village, comprised in Survey No.22/3-A, in Plot No.2, measuring an extent of 2546 sq.ft and receive the payment from the petitioner.

For Petitioners : Mr.T.Ramachandran
In all Petitions

For Respondents : Mr.V.Jeevagiridharan
In all Petitions Additional Government Pleader



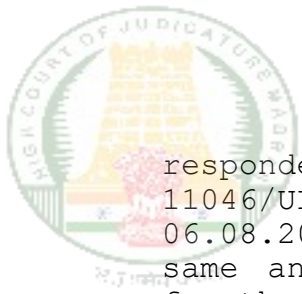
COMMON ORDER

W.P.No.11089 of 2012 is filed to issue a Writ of Declaration, to declare that the proceedings initiated by the second respondent in his Na.Ka.SR.No.163/97B, Na.Ka.SR.No.166/97B and Na.Ka.SR.No.164/97B, dated 26.06.1997 and consequential orders passed thereafter, are abated in view of Section 4 of the Repeal Act, since the physical possession of the Agriculture Land comprised in Survey No.19/1 Part to an extent of 41 cents, Survey No.22/3A to an extent of 26 cents, Survey No.20/1 part to an extent of 72 cents, Survey No.22/1 to an extent of 14 cents and Survey No.19/2 to an extent of 42 cents, in all totalling 1.95 Acres, situated at Anagaputtur Village, Tambaram Taluk, Kancheepuram District, is with the petitioners.

2. All the petitioners already filed Writ petitions to regularise their purchase of respective lands comprised in Survey No.19/1 Part to an extent of 41 cents, Survey No.22/3A to an extent of 26 cents, Survey No.20/1 part to an extent of 72 cents, Survey No.22/1 to an extent of 14 cents and Survey No.19/2 to an extent of 42 cents, in all totalling 1.95 Acres, situated at Anagaputtur Village, Tambaram Taluk, Kancheepuram District. This Court directed the fourth respondent to pass orders on their respective applications for regularisation of their respective plots under "innocent purchasers scheme" on the basis of G.O.Ms.No.565, Revenue Department, dated 26.09.2008. However, the fourth respondent rejected the request of the petitioners for the reason that the original land owners have challenged the acquisition proceedings initiated by the second respondent dated 26.06.1997 in the proceedings in Na.Ka.SR.No.163/97B, Na.Ka.SR.No.166/97B and Na.Ka.SR.No.164/97B in respect of the subject properties in W.P.No.11089 of 2012 and it is pending on the file of this Court and till the disposal of the said Writ Petition, the request of the petitioners cannot be considered and thereafter, rejected the request for regularisation of their purchase under the "innocent purchasers scheme". The land owners have already sold out the entire property and as such, the subsequent purchasers viz., the petitioners in W.P.Nos.1633, 1638 and 1640 of 2020 have filed these writ petitions for regularisation of their respective plots. Therefore, the Writ Petition in W.P.No.11089 of 2012 is devoid of merits. Accordingly, the said Writ Petition is dismissed.

W.P.Nos.1633, 1638 and 1640 of 2020

3. These Writ Petitions are filed to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth



respondent in proceedings Letter Nos.11045/ULC-I (2)/2019-1, 11046/ULC-I (2)/2019-1, 11044/ULC-I (2)/2019-1, dated 06.08.2019, dated 09.08.2019, dated 09.08.2019 and quash the same and consequential relief directing the first, second and fourth respondents to consider the application of the petitioner under the "innocent buyer category" pertaining to properties bearing Anakaputhur Village, comprised in Survey No.22/3-A, in Plot Nos.3, 1 and 2 measuring an extent of 3241 sq.ft, measuring an extent of 2743 sq.ft and measuring an extent of 2546 sq.ft respectively, receive the payment from the petitioner.

4. In view of the order of dismissal passed by the Writ Petition in W.P.No.11089 of 2012, the Writ Petitions in W.P.Nos.1633, 1638 and 1640 of 2020 are allowed and the impugned orders are quashed. The request of the respective petitioners are remanded back to the fourth respondent for fresh consideration. The fourth respondent is directed to issue notice to the petitioners and counter parties, if any and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law on the basis of G.O.Ms.No.63, Revenue Department, dated 27.01.2020, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Special Commissioner and Commissioner
Urban Land Ceiling & Urban Land Tax,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The Assistant Commissioner,
For Urban & Land Tax,
Tambaram, At Adambakkam,
Chennai - 600 088.
3. The Tahsildar,
Pallavaram Taluk,
Pallavaram,
Chennai - 600 043.



4. The Tahsildar,
Alandur Taluk,
Alandur,
Chennai - 600 016.

WEB COPY

5. The Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George,
Chennai - 600 009.

W.P.NO.11089 OF 2012 AND
W.P.NOS.1633, 1638 AND
1640 OF 2020

KV(CO)
PBS/28/01/2022