



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.15306 to 15310 of 2001

and

W.M.P.Nos. 22719 to 22723 of 2001

S.M.Rajaram	 Petitioner in W.P.No. 15306/2001
Thanga Senbagam	 Petitioner in W.P.No.15307/2001
R. Shanmugansundaram	 Petitioner in W.P.No.15308/2001
Rathaambika	 Petitioner in W.P.No.15309/2001
Eswari alias R.Parameswari	 Petitioner in W.P.No.15310/2001

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue (ULC 1 (2) Dept)
Fort St.George,
Chennai - 600 009.
- 2.The Tamil Nadu Slum Clearance Board,
Represented by its Chairman,
Kamaraj Salai,
Chennai - 600 005.
- 3.The Competent Authority,
Urban Land Ceiling & Assistant Commissioner
Urban Land Tax,
Alandur,
Chennai - 600 088.
- 4.The Directorate of Town Planning,
Chengelpet,
Kancheepuram District.

- 5.The Madipakkam Panchayat,
Represented by its E.O,
Madipakkam,
Chennai.

....Respondents in all W.Ps.



Prayer in W.P.No.15306 of 2001 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to forbear from taking possession of the plot No.35 in Ram Nagar South Extention, Madipakkam Village, Chengalpet District in S.No.96/1D (part) and disturbing the petitioners peaceful possession of the same.

Prayer in W.P.No.15307 of 2001 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to forbear from taking possession of the plot No.38 in the layout in survey No.96/1C in No.123, Madipakkam Village and disturbing the petitioners peaceful possession of the same.

Prayer in W.P.No.15308 of 2001 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to forbear from taking possession of the plot No.37 in the layout in survey No.96/1C in No.154, Madipakkam Village, Chengalpet District and disturbing the petitioners peaceful possession of the same.

Prayer in W.P.No.15309 of 2001 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to forbear from taking possession of the plot No.31 in the layout in survey No.96/1D in No.154, Madipakkam Village, Chengalpet District and disturbing the petitioners peaceful possession of the same.

Prayer in W.P.No.15310 of 2001 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to forbear from taking possession of the plot No.34 in the layout in survey No.96/1D present 96/1D2 in No.154, Madipakkam Village, Chengalpet District and disturbing the petitioners peaceful possession of the same.

In all W.Ps

For Petitioners	:	Mr.R.Srinivas
For R1, R3 & R4	:	Mr.P.Balathandayutham Spl.Government pleader
For R2	:	Mr.S.Prabhu



ORDER

These writ petitions have been filed for issuance of writ of mandamus, directing the respondents to forbear from taking possession of the subject properties in the Madipakkam Village, Chengalpeta District and disturbing the petitioners peaceful possession of the same.

2. Heard, Mr.R.Srinivas, the learned counsel appearing for the petitioners, Mr.P.Balathandayutham, learned Special Government Pleader appearing for the respondents 1, 3 & 4 and Mr.S.Prabhu, learned counsel appearing for the second respondent.

3. All the petitioners have purchased their respective plots in the year 1989 and 1990, by way of registered sale deed, comprised in survey Nos.96/1C, S.No.96/1D and S.No.96/1D (part), situated at Madipakkam Village, Tambaram Taluk, Kancheepuram District. Thereafter, they came to know that the house plots were acquired by the first respondent. Therefore, they made representation before the respondents under the innocent buyers category.

4. Pending the said application, the petitioners filed writ petitions for forbearing from taking possession of the Plot Nos. 31, 34, 35, 37 & 38 in the layout in survey Nos. 96/1C, S.No.96/1D and S.No.96/1D (part), situated at Madipakkam Village, Tambaram Taluk, Kancheepuram District.

5. A perusal of the counter filed by the third respondent reveals that one C.S.Rangam filed a statement under Section 7(1) of the Urban Land (Ceiling and Regulation) Act, 1978 in respect of the property comprised in survey No.96/1C and 96/1D situated at Madipakkam Village. Thereafter, the notice and orders were passed and duly served to the urban land owners. The third respondent inspected the subject land on 24.10.1983 and after following the procedures as contemplated under Section 7(1) of the Urban Land (Ceiling and Regulation) Act, 1978, an extent of 3050 sq.mts in survey No.96/1C1 and 4050 sq.mts in survey No.96/1D, totally measuring 7100 sq.mts was handed over to the revenue authorities as early as on 1989. The entire revenue records were mutated in the name of Government of Tamil Nadu. An extent of 6940 sq.mts in survey No.96/1C and survey No.96/1D of Madipakkam Village was allotted in favour of the second respondent by G.O.Ms.No.116, Revenue, ULC 1(2) Department, dated 06.02.1997. Therefore, the request made by the petitioner to regularise their purchase under the innocent purchaser claim were duly considered and rejected by an order dated 28.08.2001.

6. In view of the above, all the writ petitions filed by the petitioners for forbearing the respondents from taking possession of the Plot Nos. 31, 34, 35, 37 & 38 in the layout



in survey Nos. 96/1C, S.No.96/1D and S.No.96/1D (part), situated at Madipakkam Village, Tambaram Taluk, Kancheepuram District, are devoid of merits.

7. In the result, these writ petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The Secretary to Government,
State of Tamil Nadu,
Revenue (ULC 1 (2) Dept)
Fort St.George, Chennai - 600 009.

2.The Chairman,
The Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai - 600 005.

3.The Competent Authority,
Urban Land Ceiling & Assistant Commissioner
Urban Land Tax,
Alandur,
Chennai - 600 088.

4.The Directorate of Town Planning,
Chengelpet, Kancheepuram District.

5.The E.O,
The Madipakkam Panchayat,
Madipakkam, Chennai.

+5ccs to Mr.R.Srinivas, Advocate SR. Nos.7464,7465,7466, 7467,
7468

+1cc to Government Pleader SR. No. 8109

W.P.Nos.15306 to 15310 of 2001

and

W.M.P.Nos. 22719 to 22723 of 2001

SSN (CO)

PR (28/02/2022)

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