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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2284 of 2020

K.Lokesh

...Petitioner

Vs

1. The State of Tamilnadu,
Rep.by its Secretary to Government,
Revenue and Disaster Management Department,
ULC (1 C2) Wing, Secretariat, Fort St.George,
Chennai - 600 009.
2. The Special Commissioner for Urban Land
Ceiling and Urban Land Tax,
Office of Special Commissioner for Urban Land
Ceiling and Urban Land Tax,
Chepauk, Chennai - 600 005.
3. The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
153, Karuneegar Street, 1st Floor,
Adambakkam, Chennai - 600 088.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents for considering the application of the petitioner dated 27.01.2011 under innocent purchaser category for regularization of land at Plot No.103 (D.No.3/5, Elumalai Street, Thirumalai Nagar, Ramapuram, Chennai 600 089), measuring 2400 square feet, comprised in S.No.235/1B (an extent of 500 square feet) and S.No.227/1 part (an extent of 1900 square feet) at Ramapuram Village, in terms of G.O (Nilai) No.565, Revenue, (Na.Nilai) Department, dated 26.09.2008.

For Petitioner : Mrs.G.Malar Amutha Surya
for Mr.M.S.Sampath

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader



ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the respondents to consider the application of the petitioner dated 27.01.2011 under "innocent purchaser category" for regularization of land at Plot No.103 (D.No.3/5, Elumalai Street, Thirumalai Nagar, Ramapuram, Chennai 600 089), ad-measuring an extent of 2400 square feet, comprised in S.No.235/1B (an extent of 500 square feet) and S.No.227/1 part (an extent of 1900 square feet), situated at Ramapuram Village, in terms of G.O (Nilai) No.565, Revenue, (Na.Nilai) Department, dated 26.09.2008.

2. On a perusal of the counter affidavit filed by the third respondent, it reveals that the petitioner satisfies the norms prescribed in G.O.Ms. No.565, Revenue ULC. I(1) Department, dated 26.09.2008, whereas the said G.O empowers the second respondent to pass regularization orders in respect of the cases involving extent only upto 1 ½ grounds. In this regard, the petitioner's representation dated 29.10.2019 submitted before the respondents herein is still pending consideration. In fact, the third respondent, by letter dated 04.11.2019, reminded the second respondent in this regard. The second respondent, in his letter dated 21.11.2019, has sent his proposals to the Government recommending regularization of the land, on which, the concurrence of the Government is still awaited.

3. Considering the above facts and circumstances of the case, the respondents are directed to conduct enquiry on the request of the petitioner, in view of the subsequent G.O.Ms.No.63, Revenue Department, dated 27.01.2020 related to regularisation of the petitioner purchased under "innocent purchaser scheme", after issuance of notice to the petitioner and counter parties, if any and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



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To

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1. The Secretary to Government,
The State of Tamilnadu,
Revenue and Disaster Management Department,
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+1cc to the Government Pleader, S.R.No.2767

W.P.No.2284 of 2020

CP[co]
NSK 28/01/2022