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W.P.Nos.23871,23872 of 2013, 3968, 3965, 3966 & 3967 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM

**THE HONOURABLE MR. JUSTICE M. DHANDAPANI**

W.P.Nos.23871 & 23872 of 2013  
and 3968, 3965, 3966 & 3967 of 2015  
& M.P.Nos.2 & 2 of 2013

W.P.No.23871 of 2013

K.Hyder Ali

.. Petitioner

Versus

1.State of Tamil Nadu,  
Rep. by the Secretary to Government,  
Revenue Department,  
Fort St.George,  
Chennai – 600 009.

2.The District Collector,  
Kanchipuram District,  
Kanchipuram.

3.The Member Secretary,  
C.M.D.A., Egmore,  
Chennai – 600 008.

4.The Special Tahsildar, (L.A)  
C.M.D.A., Koyambedu,  
Chennai – 600 092.

5.The District Revenue Officer,  
Sriperumbudur Taluk,  
Kanchipuram District.



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6.The Managing Director  
TNRDC,Sindu Plaza  
2<sup>nd</sup> Floor, 346  
Pantheon Road,Egmore  
Chennai – 600 008

7.The Asst. Commissioner  
Urban Land Ceiling  
No.153, Karuneegar Street,  
Alandur,  
Chennai – 600 016.

8.The Special Commissioner,  
Land Reforms,  
Chepauk,  
Chennai – 600 005.

9.The Sub Registrar,  
Sub Registrar Office,  
Kundrathur,  
Chennai.  
(R7 to R9 – impleaded as per  
the order of this Court dated  
14.11.2014 made in M.P.Nos.1 of 2014  
in W.P.Nos.23871 of 2013.)  
Respondents

..

Prayer in W.P.No.23871 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent G.O.Ms.No.429/2010 (Revenue) dated 08.09.2010 and quash the same in so far as it relates to the petitioner plot No.46 in Survey No.1292 to an



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extent of 1.81 Acres at Kundrathur Village.

WEB COPY In W.P.No.23871 of 2013

For Petitioner : Mr.S.G.Poonkundran  
For Respondents : Mr.T.K.Saravanan for R1,2,4,5,7 to 9  
Government Advocate  
Mrs.P.Veena Suresh for R3  
Mr.M.Sivavarthanana for R6

### **COMMON ORDER**

Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of this common order. It will be more convenient to deal first with the W.P.Nos.23871 & 23872 of 2013, 3966 & 3968 of 2015

2. The case of the petitioners is that the petitioners purchased the subject properties from their vendors vide registered sale deeds during the year 2011 on the file of the SRO, Kundrathur. Only after their purchase of subject properties, they came to know from the District Revenue Officer that the lands are taken over for Outer Ring Road Project, Phase – I and the Government vide impugned order gave permission to enter in on the land. Challenging the same, the above writ petitions have been filed.



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3.The learned counsel appearing for the petitioners submitted that the petitioners purchased the subject lands during the year 2011 from their vendors for valid consideration, however, without any notice, the lands are acquired and granted to the CMDA for formation of Outer Ring Road, which is clear violation of principles of natural justice.

4. The learned Special Government Pleader drawn the attention of this Court to the counter affidavit filed on behalf of the respondents 1 and 2 and submitted that as per the revenue records the subject properties are not mutated in the names of the petitioners and they were covered under the Urban Land Ceiling Act and handed over to the Revenue Department on 03.06.1999. Thereafter, the impugned Government Order was issued. Since as per the revenue records, there is no proof for petitioners ownership, there is no necessity for serving notice to the petitioners.

5. The learned Special Government Pleader further submitted that proceedings under the Urban Land Ceiling Act were initiated against the original owners of the lands from whom the petitioners purchased the land.



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6. Perusal of the impugned Government Order reveals that as per the

revenue records, the subject properties are mentioned as Government lands.

Hence, the lands are taken over for Outer Ring Road Project, Phase – I.

Though the petitioners claim that they purchased the subject properties from their vendors vide registered sale deeds during the year 2011, they have not taken any steps to mutate the revenue records. As per the revenue records, there is no proof for petitioners ownership for the subject properties. Hence, there is no necessity for the Government to serve notice to the petitioners.

7. Further, it appears that proceedings under the Urban Land Ceiling Act were initiated against the original owners of the lands from whom the petitioners purchased the land. The petitioners, without challenging the said proceedings under the Urban Land Ceiling Act, have filed these writ petitions, which is un-sustainable one.

8. In view of the above, this Court is not inclined to grant the relief sought for in these writ petitions. These writ petitions are accordingly dismissed. However, liberty is granted to the petitioners to work out the remedy in the manner known to law. No costs.



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9. The writ petitioners have purchased their respective house plots comprised in Survey No.1292 situated at Sri Boopala Vinayagar Nagar, Pudu Vattaram, Kundrathur by registered sale deeds. Thereafter, they constructed their respective houses and are are residing there. Thereafter, the respondents informed the petitioners that the entire lands were already acquired for the purpose of Outer Ring Road. According to the petitioners, the subject land was acquired under the Urban Land Ceiling and Regulation Act from one, T.M.Sambanda Mudaliar and he died in the year 1970. The legal heirs of the said Sambanda Mudaliar requested the Assistant Commissioner and Urban Land Ceiling & Regulation Authority, Kundrathur to exempt the land ad measuring 1.81 acres comprised in survey No.1292. Accordingly, the said request was considered and exempted the said land in the year 1994 through the endorsement dated 21.09.1994. Thereafter, the said land was developed and laid out into house plots. In the said layout, the petitioners have purchased their respective house plots.

10. Heard both sides and perused the materials placed on record. Considering the facts and circumstances of this case and having regard to



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the submissions of the learned counsel, both the petitioners are directed to make a representation, within a period of four weeks from the date of receipt of copy of this order, before the authority concerned under the Innocent Purchasers Scheme in the light of the GO.Ms.No.649 Revenue dated 29.07.1998 and GO.Ms.No.565 Revenue dated 26.09.2008 to regularize their purchase of their respective plots. On receipt of the same, the authority concerned is directed to consider their request and pass orders in the light of the GO.Ms.No.649 Revenue dated 29.07.1998 and GO.Ms.No.565 Revenue dated 26.09.2008 within a period of twelve weeks thereafter.

11. With the above directions, both the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.09.2022

dhk  
Speaking Order/ Non Speaking Order  
Index: Yes/ No      Internet: Yes/ No

To

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**M. DHANDAPANI, J.**



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9.The Sub Registrar,  
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