

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4171 of 2015
and M.P.No.1 of 2015

1. Sathira Fathima
 2. Nawaz Sathak
 3. Mohammed Muzammil
- ... Petitioners

Vs.

1. The Special Commissioner
& Commissioner, Urban Land Ceiling and urban
Land Tax , Ezhilagam, Chepauk , Chennai-5.
 2. The Assistant Commissioner
for Urban Land Tax, T.Nagar,
NO.84 Arcot Road, Kodambakkam, Chennai-24.
 3. The Tahsildar,
Mylapore Triplicane Taluk, Chennai District,
Raja Annamalaipuram , Chennai-28.
- ...Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Declaration declaring that the proceedings initiated by the second Respondent the land comprised in Town Survey No.45/1 to an extent of 18 Cents situated at 115 Kottur Village, Mylapore Triplicane Taluk, Chennai District, is abated in view of Section 4 of the Repeal Act since the Physical possession of the Land comprised in Town Survey No.45/1 to an extent of 18 cents situated at 115 Kottur Village, Mylapore-Triplicane Taluk, Chennai District is with the petitioners.

For Petitioners : Mr. G.Sankaran

For Respondents : Mr. P.Sathish
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking to declare that the proceedings initiated by the Second Respondent in respect of the land comprised in Town Survey No.45/1 having an extent of 18

cents situated at 115 Kottur Village, Mylapore Triplicane Taluk, Chennai District is abated in view of Section 4 of the Tamilnadu Urban Land (Ceiling and Regulation) Repeal Act, 1999 (hereinafter referred to as 'the Repeal Act' for short) since the Petitioners are in physical possession of the land.

2. The case of the petitioners is that, they are the innocent purchasers purchased the land comprised in S.Nos. 681/1, 68/2 and 67/4 from various vendors. When the petitioners applied for mutation of revenue records, they were informed by the third respondent that the subject properties were effected under the Tamilnadu Urban Land (Ceiling and Regulation) Act, 1978. However, at the time of purchasing those lands, the petitioners were not aware of the said proceedings. Therefore, the petitioners submitted applications before the second respondent for regularization of their sale under the innocent purchasers scheme on the basis of the G.O. Ms. No.565 Revenue dated 26.09.2008. Admittedly, the petitioners are still in possession and enjoyment of their respective lands. Therefore, the petitioners have filed the present writ petition before this Court seeking declaration that the proceedings initiated by the Third respondent is abated in view of Section 4 of the Repeal Act, since the physical possession is with the petitioner.

3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents, and perused the materials available on record, apart from the pleadings of the parties.

4. Admittedly, all petitioners have purchased their respective lands during the year 2011. The Repeal Act came in to force on 16.06.1999. In view of the Section 4 of the Repeal Act, if the physical possession of the lands in question has not been taken over on the date of commencement of the Act, i.e. 16.06.1999, the entire acquisition proceedings initiated under the Tamilnadu Urban Land (Ceiling and Regulation) Act, 1978 have become abated. Admittedly, the petitioners purchased the property after Repealed Act come in force and the claim they are still in possession and enjoyment of their respective lands. In view of the factual position, the learned counsel for the petitioners, on instructions, submitted that this Court may permit the petitioners to file fresh petition before the Government for regularization of their sale under the innocent purchasers scheme.

5. In view of the limited request sought for by the petitioners, this Court permits the petitioner to make an appropriate petition before the Government for regularization of their sale under the innocent purchasers scheme within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Special Commissioner
& Commissioner, Urban Land Ceiling and urban
Land Tax , Ezhilagam, Chepauk , Chennai-5.
- 2 The Assistant Commissioner
for Urban Land Tax, T.Nagar,
NO.84 Arcot Road, Kodambakkam, Chennai-24.
- 3 The Tahsildar,
Mylapore Triplicane Taluk, Chennai District,
Raja Annamalaipuram , Chennai-28.

+1cc to Mr. G.Sankaran, Advocate, S.R.No.347891
+1cc to the Government Pleader, S.R.No.34896

W.P.No.4171 of 2015

AK-I(CO)
CT/12/07/2022