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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.4291 and 4292 of 2015

Mr.N.Saravanan, rep.by its
Power Agent Mr.R.L.Nandagopal

... Petitioner in both petitions

Vs.

1. The State of Tamil Nadu
rep.by the Secretary to Government,
Revenue Department,
Fort St.George,
Chennai 600 009.
2. The Special Commissioner,
(Land Reforms),
Chepauk, Chennai 600 005.
3. The Assistant Commissioner,
Urban Land Ceiling and Regulation Authority,
No.1533, Karunigar Street,
Alandur, Chennai 600 016.

.. Respondents in W.P.No.4291 of 2015

1. The State of Tamil Nadu
rep.by the Secretary to Government,
Revenue Department,
Fort St.George,
Chennai 600 009.
2. The District Collector,
kancheepuram District,
Kanchipuram.
3. The Special Tahsildar,
Land Acquisition, ORR 1 project,
C.M.D.A, Koyambedu,
Chennai 600 092.



4. The Member Secretary,
C.M.D.A.,
Thalamuthu Natarajan Maligai,
Egmore, Chennai 600 008.

... Respondents in W.P.No.4292 of 2015

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PRAYER in W.P.No.4291 of 2015: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ or direction or order more particularly in the nature of Writ of Declaration declaring that the entire Urban Land Ceiling and Regulation Act 1978 proceedings in respect of the lands to an extent of 1200 sq.ft. Plot No.1, comprised in S.No.1285, 1286/1 and 1286/2 Srimathi Nagar , Kundrathur Village, Kanchipuram District, which belongs to the petitioner herein as null and void.

PRAYER in W.P.No.4292 of 2015: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ or direction or order more particularly in the nature of Writ of Declaration declaring that the entire land acquisition proceedings of the 3rd respondent herein in Na.Ka.No.23/1997 A-1 Award No.1/2003-2004 dated 25.08.2003 initiated under the Land Acquisition Act 1894 in respect of the lands of an extent of 1200 sq.ft. Plot No.1 comprised in S.No.1285, 1286/1 and 1286/2, Srimathi Nagar, Kundrathur Village belonging to the petitioner as lapsed in respect of the petitioners land concern as above stated in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013(Act 30/2013).

For Petitioner in
both petitions : Mr.G.Poonkundran

For Respondents in
W.P.No.4291 of 2015 : Mr.V.Veluchamy
Special Government Pleader

For RR1 to 3 in
W.P.No.4292 of 2015 : Mr.V.Veluchamy
Special Government Pleader

For RR4 in
W.P.No.4292 of 2015 : Mr.P.Veenasuresh
Standing Counsel for CMDA

Common Order

Writ Petitions have been filed for issuance of Writ of Declaration declaring that the entire Urban Land Ceiling and Regulation Act 1978 proceedings in respect of the lands to an extent of 1200 sq.ft. Plot No.1, comprised in S.No.1285, 1286/1 and 1286/2 Srimathi Nagar , Kundrathur Village, Kanchipuram



District, which belongs to the petitioner herein as null and void.

2. The case of the petitioner is that he has purchased plot no.1 to an extent of 1200 sq.ft in Srimathi Nagar, comprised in S.F.No.1285, 1286/1 and 1286/2 at Kundrathru Village, Sriperumbudur Circle, Kanchipuram District with 300 sq.ft, AC Sheet, Semi permanent house with power connection, from one B.Nazeema, wife of S.Babu. In such circumstances, the property was acquired by the respondents for the purpose of formation of Outer Ring Road Project, Phase I, without any notice and enquiry and on enquiry, it came to the knowledge of the petitioner that the said property was already acquired by the Government under the Urban Land Ceiling Act and thereby, challenging the Urban Land Ceiling Proceedings in respect of the above said lands, the present petitions are filed.

3. The learned counsel appearing for the petitioner submitted that till date the petitioner is in possession of the property and the respondents herein have not deposited the compensation in the name of the real owner. He further submitted that the petitioner and his vendor are subsequent purchasers, without knowing the land ceiling proceedings, they had purchased the lands from the urban land owner and now major portion of the lands were acquired by the Government for formation of Outer Ring Road Project and major portion of the road was also laid and hence, this Court may permit the petitioner to make application for receiving fair compensation under the Innocent Purchasers Scheme in the light of G.O.Ms.No.649, Revenue Department dated 29.07.1998 and G.O.No.565, Revenue Department, dated 26.09.2008, to regularise the purchase of the respective plots in order to receive the compensation from the Government.

4. The learned Additional Government Pleader appearing for the official respondents has drawn the attention of this Court to the detailed counter affidavit filed on behalf of the respondents and submitted that the petitioner has purchased the property in question, which was acquired under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. As per Revenue Records, one Jagadeesan, owned an extent of 3000 sq.mts in S.F.No.1285 of Kundrathur Village and the excess land was taken over by the revenue authorities, after following the due process of law and further since the urban land owner had not turned up to receive the compensation amount, it was kept in to Revenue Deposit.

5. It is further submitted that after due publication of notifications under Sections 11(1) and 11(3) of the Act in the Tamil Nadu Government Gazette dated 29.05.1996 and 18.09.1996, respectively, final notice under Section 11(5) of the Act was



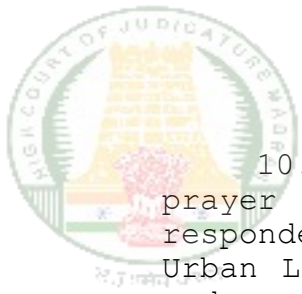
issued to the urban land owner to surrender or deliver the possession of the excess vacant land and he also did not file any objections against the acquisition of excess vacant land and also not come forward to surrender the possession. Hence the possession of the excess vacant land was taken over by the revenue authorities on 30.06.1997. Despite that, the urban land owner sold out the lands in question without the knowledge of the 3rd respondent and hence, the transactions made by the urban land owner hit Section 6 of the Act and further as the writ petitioner is only a subsequent purchaser, who purchased a piece of land comprised in excess vacant land acquired by the Government, notices were not sent to them and infact, all transactions between the land owner and the purchasers become null and void and hence the petitioner has no locus standi to challenge the proceedings of the 3rd respondent after a lapse of 18 years and prays for dismissal of these petitions.

6. This Court has carefully considered the rival submission and also perused the materials available on record.

7. Facts in the present case is not in dispute that the Land Reforms proceedings were initiated under 'The Tamil nadu Urban Land (Ceiling and Regulation) Act, 1973 in respect of total land holding of one Jagadeesan, who is having more than the ceiling limit as prescribed in the said Act. In this regard, the revenue authorities had strictly followed all the procedure as prescribed in the said Act and published the notification of final statement under Section 11(5) of the said Act to surrender and deliver the possession of the excess vacant land and the same was also taken over by the revenue authorities.

8. However on perusal of the counter affidavit filed in W.P.No.4292 of 2015, it is stated that the award amount was paid to the previous owner one Babu, in two spells (First spell of Rs.1,331/- and second spell of Rs.2,03,912) on 10.07.2003 and 23.09.2003 respectively and the said Babu at the time of the payment, had filed a written statement stating that the original document in respect of the acquired land is under mortgage and the same would be submitted on retrieving the same and thereafter he did not returned as undertaken and furthermore, he fraudulently settled 0.01.0 ares of the disputed property to his wife, who inturn executed Sale in favour of the petitioner herein.

9. A perusal of the counter affidavit made clear that the procedures contemplated under the the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013(Act 30/2013), is not followed and in whims and fancies, the respondents had distributed compensation to the ineligible persons.



10. In view of the above facts and circumstances, though the prayer sought for by the petitioner cannot be granted, as the respondents after following the due process of law under the Urban Land Ceiling Act, had acquired the properties in question and completed the project, for which the said land was acquired, however considering the limited request sought for by the petitioner, a liberty is granted to the petitioner to file an appropriate complaint before the District Collector, Kanchipuram District, within a period of two weeks from the date of receipt of a copy of this order and if any such complaint is filed, the District Collector, is directed to hear the petitioner as well as one Babu, who said to have received the compensation and conduct adjudication and pass appropriate orders within a period of twelve weeks thereafter.

11. These Writ Petitions are disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai 600 009.
2. The Special Commissioner,
(Land Reforms),
Chepauk, Chennai 600 005.
3. The Assistant Commissioner,
Urban Land Ceiling and Regulation Authority,
No.1533, Karunigar Street,
Alandur, Chennai 600 016.
4. The District Collector,
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5. The Special Tahsildar,
Land Acquisition, ORR 1 project,
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Chennai 600 092.

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6. The Member Secretary,
C.M.D.A., Thalamuthu Natarajan Maligai,
Egmore, Chennai 600 008.

+lcc to Mr.G.Poonkundran, Advocate, S.R.No.21858

+lcc to Mr.V.Veluchamy, Advocate, S.R.No.21668

+lcc to the Government Pleader, S.R.No.22463

W.P.Nos.4291 and 4292 of 2015

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NSK 22/04/2022