



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.20085 of 2014

K.A.Noor Mohammed

... petitioner

-Vs-

1. The Director,
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai-5.

2. The District Collector,
Coimbatore District, Coimbatore.

3. The Assistant Commissioner,
Urban Land Tax,
Coimbatore District Collector Office Compound,
Coimbatore.

4. The Tahsildar,
Coimbatore South Taluk,
Coimbatore.

5. The Tahsildar,
Perur Taluk, Coimbatore District.

... Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus, call for the records of the 5th respondent culminating in his order - proceedings in Na.Ka.No.422/2014 A4 dated 05.04.2014 quash the same and to direct the 5th respondent to issue patta to the petitioner's lands of 2,388 sq. ft. situated in Survey field number 210/3A, Kuniamuthur Village, Perur Taluk, in view of the proceedings of the first respondent.

For petitioner : Mr. V.Raghupathi

For Respondents : Mr. Yogesh Kannadasan
Special Government Pleader

O R D E R

The writ petition has been filed seeking to quash the proceedings in Na.Ka.No.422/2014 A4 dated 05.04.2014 and to direct the 5th respondent to issue patta to the petitioner's lands of 2,388 sq. ft. situated in Survey field number 210/3A,



Kuniamuthur Village, Perur Taluk, in view of the proceedings of the first respondent.

2. The case of the petitioner is that the petitioner has purchased a plot measuring an extent of 2388 sq. ft. situated in S.No.210/3A Kuniamuthur Village, Coimbatore Taluk from one Haroon by virtue of a registered sale deed dated 22.05.1998. In the year 1999, the petitioner obtained approval for a building plan from Kuniamuthur town Panchayat for construction of the house and the same was completed in the year 2000. The petitioner has been paying the property tax from the year 2000-2001 onwards. Thereafter, the petitioner came to know that the lands to an extent of 16,700 sq. metre in the above said survey field number 210/3A Kuniamuthur Village in Coimbatore Taluk, wherein the petitioner's plot and others plots are situated were acquired from the earlier owner by the ceiling authorities under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1948. Without knowledge about the above said ceiling, the petitioner and others have purchased the above said plots. Thereafter, the petitioner has applied for regularizing his sale as he is as innocent buyer and he is entitled to get benefits in terms of the Government Order in G.O.Ms.No.649 Revenue Department dated 29.07.1998. Therefore, the petitioner sent a representation dated 02.08.2002 to the respondents to regularise his sale as innocent buyer of ceiling lands. The first respondent passed a final order dated 11.03.2009 confirming the regularization of the petitioner's sale deed dated 22.05.1998. In pursuance of the above final order of the first respondent, the petitioner and 12 others in the same locality, made application on 20.05.2009 to the 4th respondent to issue patta to the petitioner's land in S.No.21./3A to an extent of 2388 sq. ft. and no order was passed by the respondents. Hence, the petitioner filed a writ petition in W.P.no.15741/2013 before this Court. This Court, vide its order dated 28.11.2013, disposed of the writ petition with certain direction. Pursuance to the above order, the 5th respondent passed the present impugned order rejecting the petitioner's representation. Challenging the said rejection order, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioner is innocent buyers, having purchased the lands bonafidely without knowing about the acquisition proceedings. Further, the learned counsel submitted that the petitioner is in continuous possession of the property till date. The 5th respondent have not followed the relevant government orders which are passed only to protect the innocent buyers of the lands covered by the Urban Land Ceiling Act. Hence, the learned counsel prays to allow the writ petition.



4. The learned Special Government Pleader submitted that though the petitioners plot was regularised under innocent buyers scheme on 11.03.2009. Subsequently, the representation dated 14.05.2013 was rejected by the Tahsildar, Perur in her order dated 05.04.2013 based on the instructions issued by the Director of Urban Land Ceiling, Chennai, vide his letter dated 12.01.2012 that the Government in their letter No.4056/ULC 1 (1)/2011 dated 05.01.2012 had informed that the Government is bound to incur revenue loss by proceeding with the regularization of lands of innocent buyer category vide order in G.O.Ms.No.565 Revenue Department dated 26.09.2008 and since it is felt necessary to examine as to whether legal sanction is necessary to grant special concessions to individuals, the implementation of the scheme may be stopped forth with and not to proceed with transfer of patta in such cases pending reorganisation of the scheme. The learned counsel further submitted that instructions were also issued that transfer of patta should not be carried out, even in cases in which orders of regularization had been issued. Hence, the learned counsel prays to dismiss the writ petition.

5. Heard, the learned counsel for the petitioner as well as the learned Special Government Pleader and perused the materials available on record.

6. Admittedly, the petitioner purchased a plot measuring an extent of 2388 sq. ft. in S.No.210/3A Kuniamuthur Village, Coimbatore Taluk in the year 1998. During the year 2002, the petitioner came to know that the above said land is also acquired from his predecessor by the Government. It is also equally undisputed that the petitioner sent a representation to the respondents to regularise the sale as innocent buyer scheme as per the order in G.O.No,649 Revenue Department, dated 29.07.1998, G.O.Ms.No.565 Revenue Department, dated 26.09.2008 and G.O.Ms.No.665 Revenue Department ULC-1 (2) dated 25.01.2008. After enquiry, the petitioner's property was regularised, for which, the petitioner paid a sum of Rs.66,045/- as per the directions of the officials on 21.01.2009. Further, the first respondent has also passed an order dated 11.03.2009 in favour of the petitioner confirming the regularization of the petitioner's sale dated 22.05.1998 vide his order dated 07.03.2008. Once the petitioner has obtained his regularization order from the first respondent, the Tahsildar have no power to reject the petitioners representation and he has to necessarily issue patta in favour of the petitioner. But, in the present case, the Tahsildar, Perur has rejected the petitioner's representation, which is not sustainable one. Further, till date, the first respondent has not taken any steps to re-possess the land from the petitioner. Without considering all these facts, the Tahsildar, Perur has passed the impugned order



rejecting the representation, which was made by the petitioner and the same is liable to be quashed.

7. Therefore, for the reasons stated above, the impugned order dated 05.04.2014 passed by the 5th respondent is quashed and the writ petition is allowed. Consequently, the 5th respondent is directed to issue patta for the land in question in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai-5.

2. The District Collector,
Coimbatore District,
Coimbatore.

3. The Assistant Commissioner,
Urban Land Tax,
Coimbatore District Collector Office Compound,
Coimbatore.

4. The Tahsildar,
Coimbatore South Taluk,
Coimbatore.

5. The Tahsildar,
Perur Taluk,
Coimbatore District.

+1cc to Mr. V.Raghupathi, Advocate, S.R.No.25160
+1cc to the Government Pleader, S.R.No.25497

W.P.No.20085 of 2014

PA(CO)
CT 15/06/2022