IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: **15.12.2022**

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.33652 of 2022

I.V.Subramiyam .. Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. By is Secretary to Government
Revenue Department
Secretariat
Fort St.George, Chennai

2. The Competent Authority
and Assistant Commissioner
Urban Land Tax
Coimbatore

3. The Special Commissioner Urban Land Ceiling
and Urban Land Tax,
Chepauk, Chennai – 600 005 ... Respondents

(*Suo motu* impleaded by this Court vide this order)

Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents to consider the petitioner's application dated 18.09.2015 and to receive payment order as per G.O.Ms.No.565, Revenue NA/NEE/U Department dated 26.09.2008 passed by the first respondent under the innocent buyer category and regularize the property admeasuring 5 cents (422 sq.ft) comprised in S.No.95/2 and 3, Ganapathy Village, Coimbatore District and regularise the sale deed of petitioner in terms of G.O.Ms.No.565, Revenue Department dated 26.09.2008 and G.O.Ms.No.649, Revenue Department dated 29.07.1998.

For Petitioner	: Mr.R.Rajarajan
For Respondents	: Mr.T.K.Saravanan Government Advocate

ORDER

Captioned writ petition pertains to regularization under what is known as 'Innocent Buyer Category' qua land purchased by writ petitioner.

2. Mr.R.Rajarajan, learned counsel on record for writ petitioner submits that writ petitioner purchased 'land admeasuring 5 cents and 422 sq.ft in S.F.No.95/2,3 situate in Ganapathy Village, Coimbatore District vide registered sale deed dated 19.08.1985 having been registered as Document No.3666/1985 on the file of jurisdictional Sub-Registrar's Office (SRO) i.e., SRO Gandhipuram, Coimbatore' [hereinafter 'said land' for convenience and clarity].

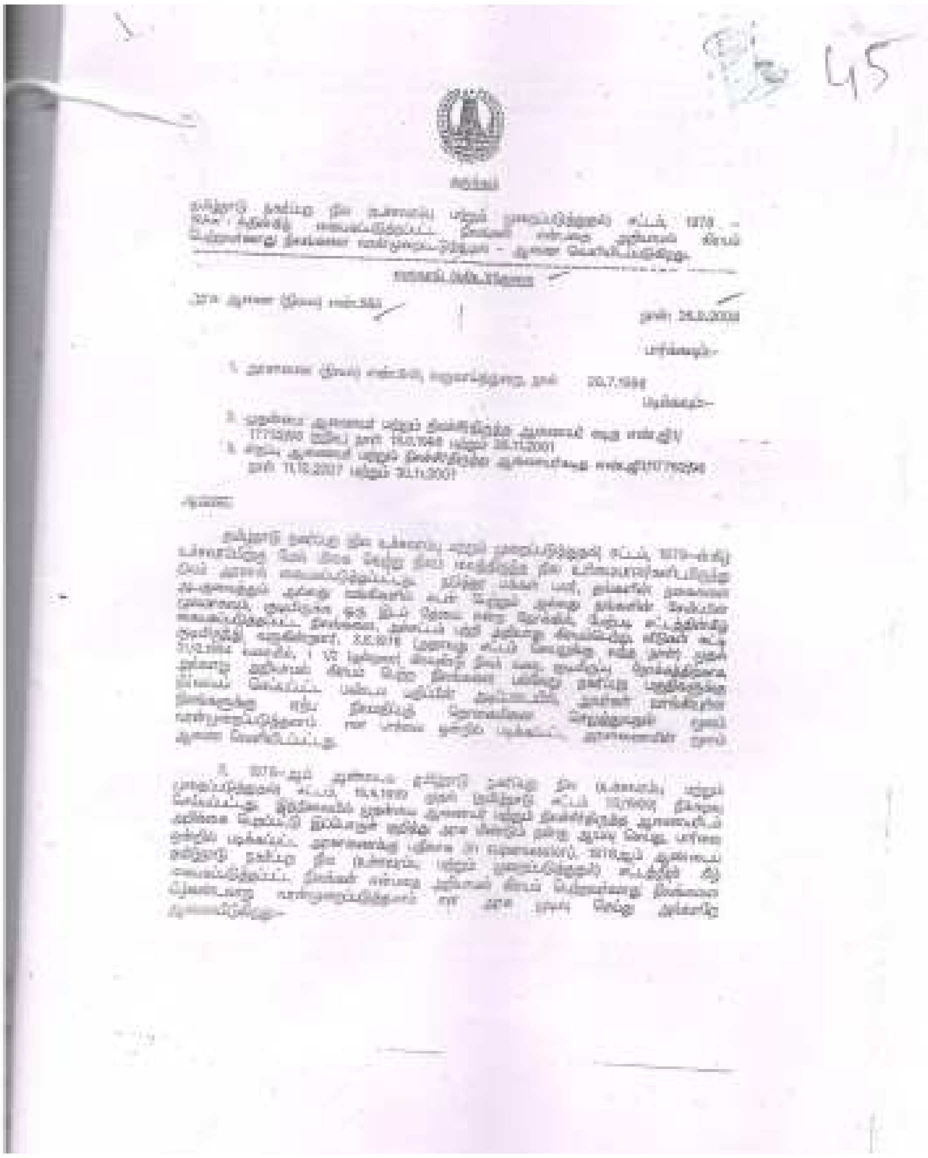
3. Mr.T.K.Saravanan, learned Government Advocate accepted notice on behalf of both the respondents. Owing to the narrow compass of

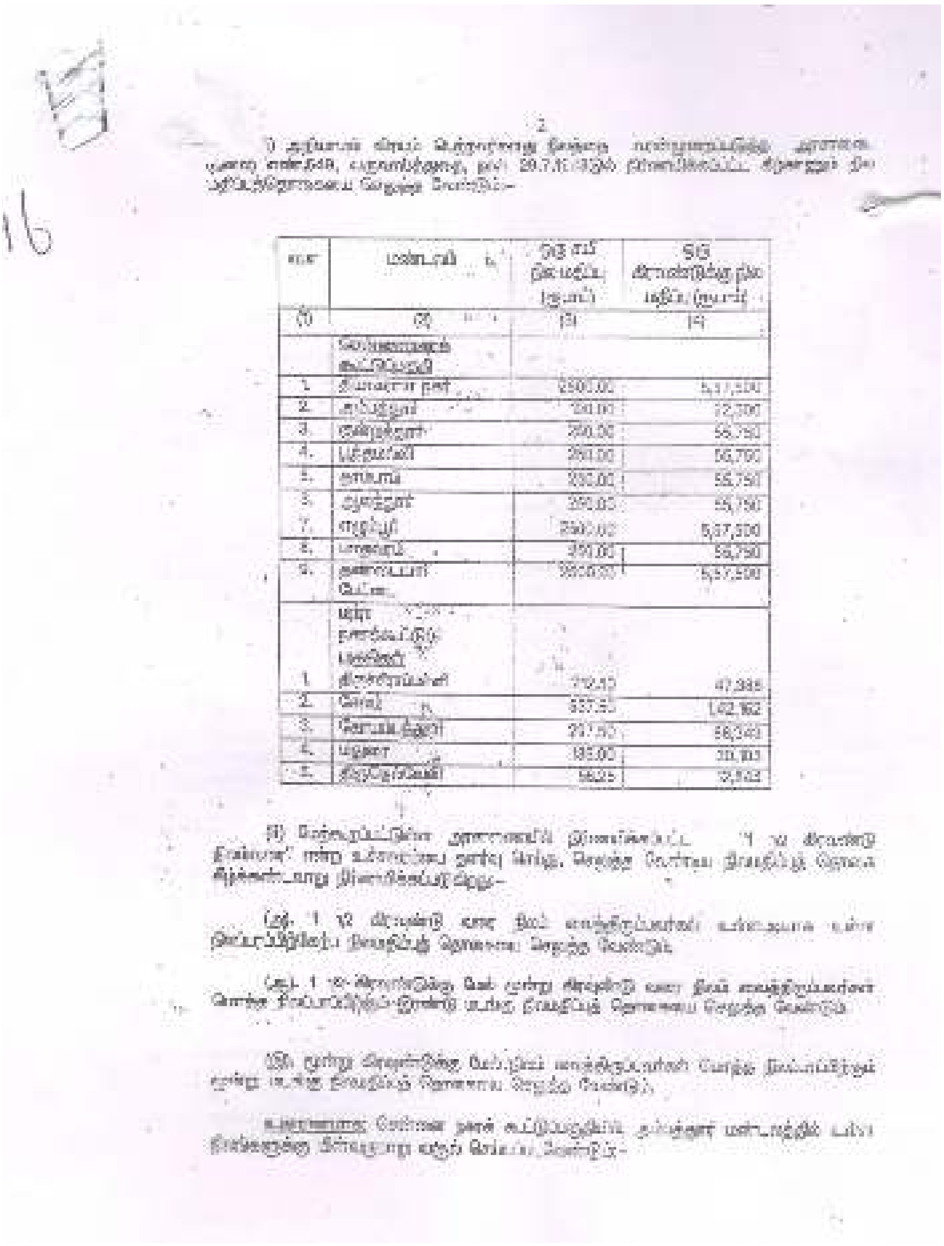
the captioned writ petition and the limited perimeter within which the matter perambulates, a counter affidavit from the State is not really necessary and the main writ petition is taken up for disposal though the matter is listed in the Admission Board. To be noted, this is with the consent of learned counsel on both sides.

4. Short facts are that the writ petitioner purchased said land in 1985; that it was thereafter notified that it comes under the ambit and purview of 'Tamil Nadu Urban Land Ceiling Act, 1978' [hereinafter 'said Act' for the sake of convenience]; that proceedings under Section 11(5) of said Act was initiated; that the writ petitioner filed a writ petition in W.P.No.8639 of 1992 assailing the same; that the matter was transferred to Tamil Nadu Land Reforms Special Appellate Tribunal; that the mater was re-numbered as TRP No.438 of 1999; that the matter was dismissed vide order dated 01.09.2000 by the Tribunal but liberty was given to the purchasers including the petitioner to petition the Government for regularization under 'G.O.Ms.649, Revenue, dated 29.07.1998' [hereinafter 'said G.O' for the sake of convenience and clarity]; that writ petitioner sent an application to the Government being application dated 18.09.2015; that

the application has not evoked any response one way or other; that the writ petitioner sent a representation dated 29.10.2022 and *inter alia* a reminder about the application; that the captioned writ petition has now been filed with a prayer to mandamus the respondents to consider the petitioner's application.

5. There is no disputation or disagreement that post said G.O dated 29.07.1998, another executive order, namely 'G.O.Ms.No.565, Revenue Department, dated 26.09.2008' [hereinafter 'said further G.O' for the sake of convenience and clarity] has been issued and the same is now operating. A scanned reproduction of said further G.O is as follows:





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[illegible]

[illegible]	மாவட்டம்	[illegible] (ரூபாய்)	[illegible] (ரூபாய்)
(1)	(2)	(3)	(4)
	[illegible]		
1.	[illegible]	2500.00	5,37,500
2.	[illegible]	200.00	72,000
3.	[illegible]	250.00	53,750
4.	[illegible]	250.00	53,750
5.	[illegible]	250.00	53,750
6.	[illegible]	250.00	53,750
7.	[illegible]	2500.00	5,37,500
8.	[illegible]	250.00	53,750
9.	[illegible]	2500.00	5,37,500
	[illegible]		
1.	[illegible]	222.40	47,988
2.	[illegible]	337.50	1,02,162
3.	[illegible]	297.50	88,343
4.	[illegible]	185.00	30,103
5.	[illegible]	98.25	12,843

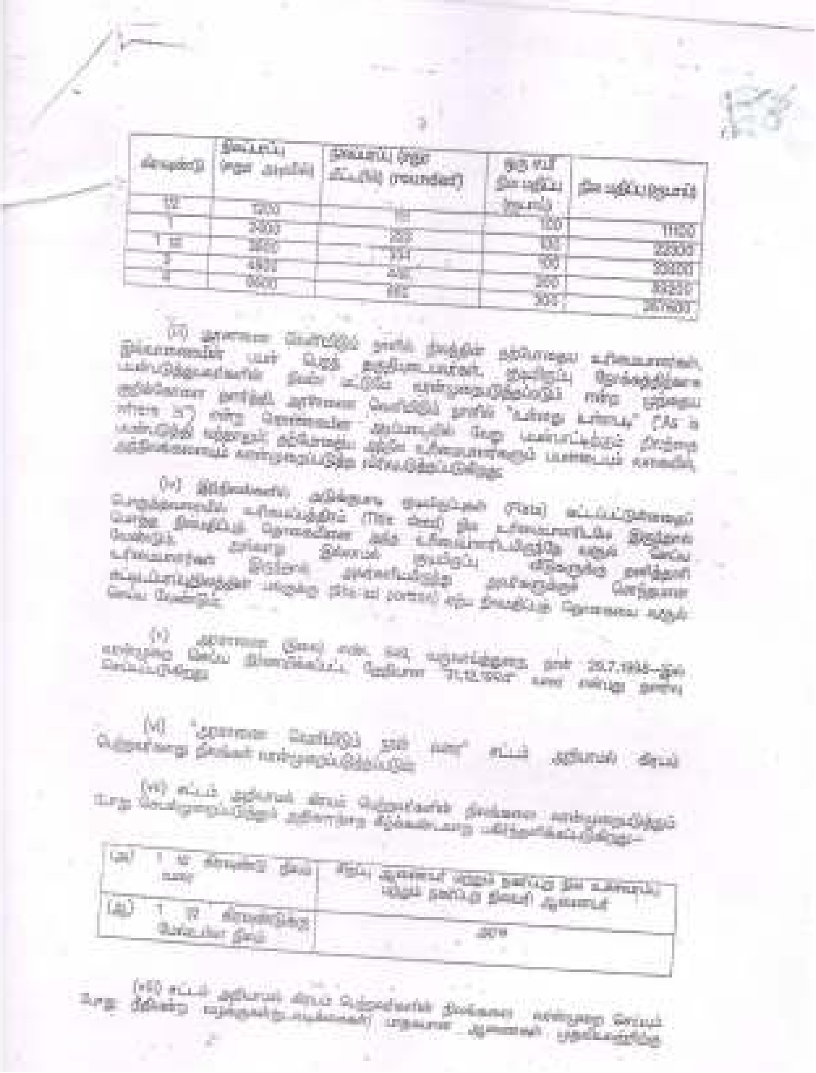
[illegible]

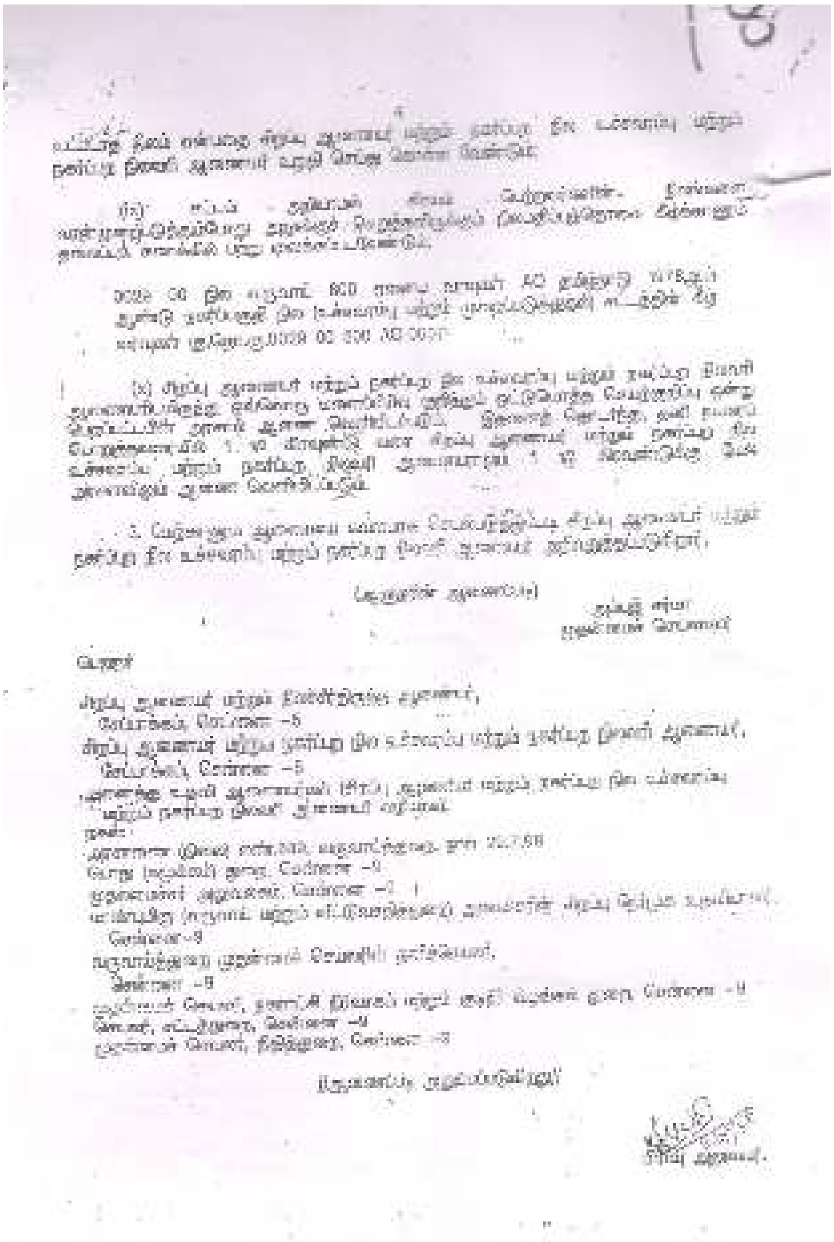
[illegible]

[illegible]

[illegible]

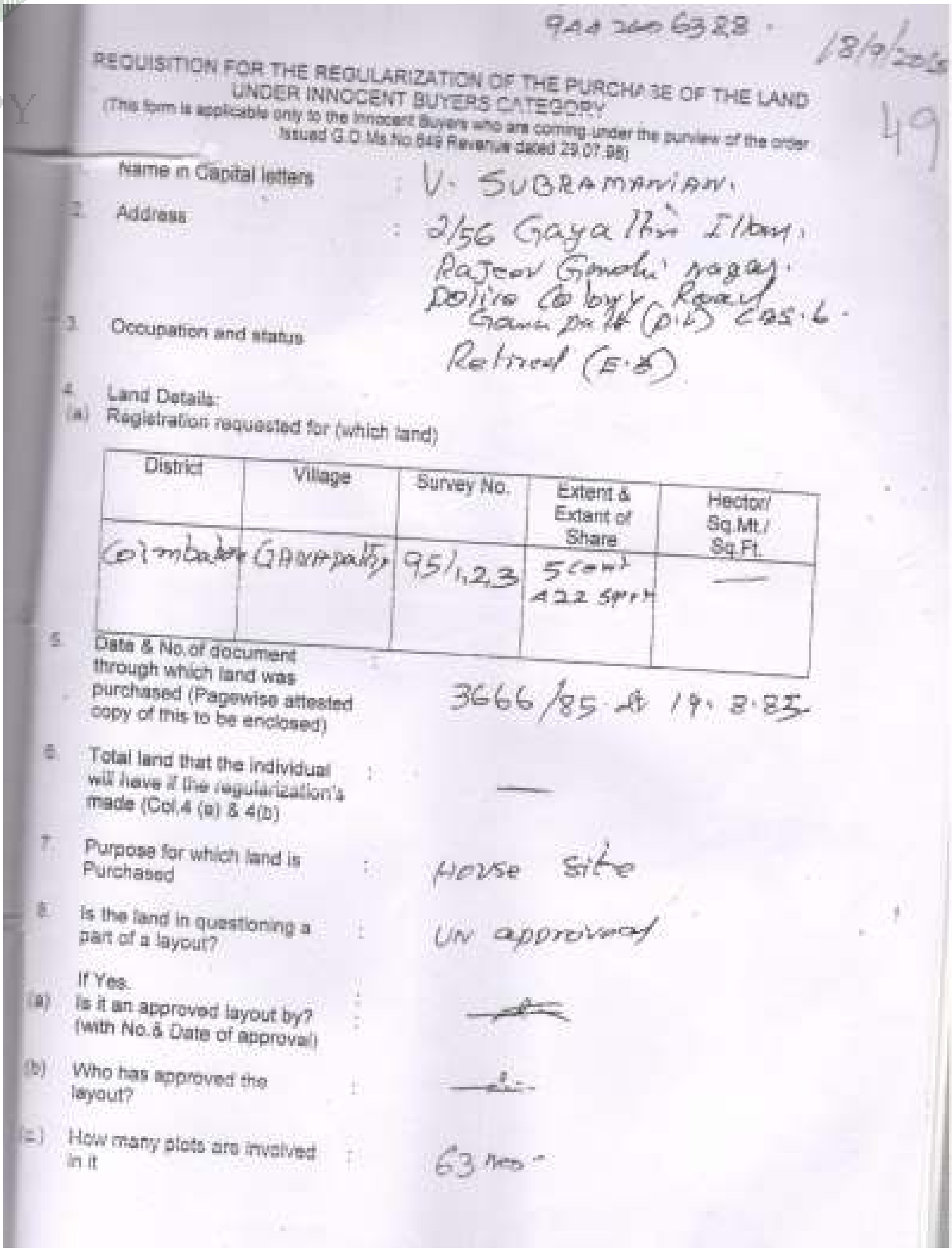
[illegible]





6. This Court is informed that the writ petitioner's case falls under Paragraph 2(x) of the aforementioned G.O as the extent of said land is 5 cents and 422 sq.ft. This means that the aforementioned 18.09.2015 application of the writ petitioner should be considered by the Special Commissioner, Urban Land Ceiling and Urban Land Tax, Chepauk, Chennai – 600 005. This Authority has not been arrayed as a respondent and considering the narrow scope of the writ petition, this Authority is impleaded as Respondent No.3. Registry to do the needful in this regard i.e., consequential and necessary amendments in the case file to be made before uploading this order and before giving certified copies of this order.

7. Learned counsel for writ petitioner abridges his prayer and submits that it will suffice if there is a directive to the third respondent to dispose of petitioner's application dated 18.09.2015 in the light of his reminder representation dated 29.10.2022. A scanned reproduction of the application and reminder representation are as follows:



9442006328.

18/9/20

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REQUISITION FOR THE REGULARIZATION OF THE PURCHASE OF THE LAND UNDER INNOCENT BUYERS CATEGORY

(This form is applicable only to the Innocent Buyers who are coming under the purview of the order issued G.O.Ms.No.849 Revenue dated 29.07.98)

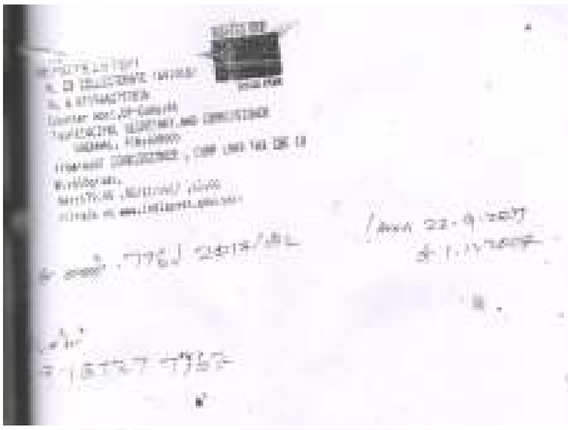
1. Name in Capital letters : V. SUBRAMANIAN.
2. Address : 2/56 Gayathri Illam,
Rajeev Gandhi Nagar,
Police Colony Road,
Ganapathy (P.O) CBE-6.
3. Occupation and status : Retired (E.B)
4. Land Details:
(a) Registration requested for (which land)

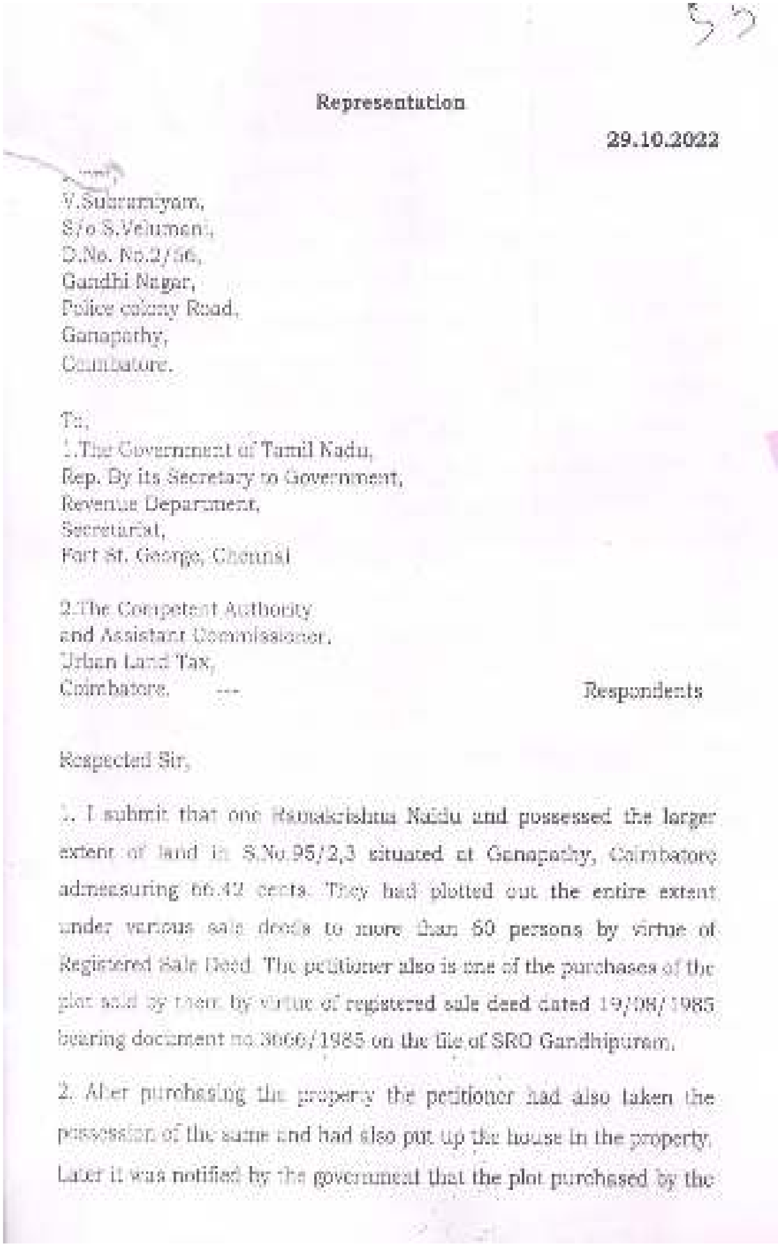
District	Village	Survey No.	Extent & Extant of Share	Hector/ Sq.Mt./ Sq.Ft.
Coimbatore	Ganapathy	95/1,2,3	5 cent 422 sft	—

5. Date & No.of document through which land was purchased (Pagewise attested copy of this to be enclosed) 3666/85 dt 19.8.85.
6. Total land that the individual will have if the regularization's made (Col.4 (a) & 4(b) : —
7. Purpose for which land is Purchased : House site
8. Is the land in questioning a part of a layout? : Un approved

If Yes.

(a) Is it an approved layout by? (with No.& Date of approval) : —
(b) Who has approved the layout? : —
(c) How many plots are involved in it : 63 nos.





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Representation

29.10.2022

V.Subramiyam,
S/o S.Velumani,
D.No. No.2/56,
Gandhi Nagar,
Police colony Road,
Ganapathy,
Coimbatore.

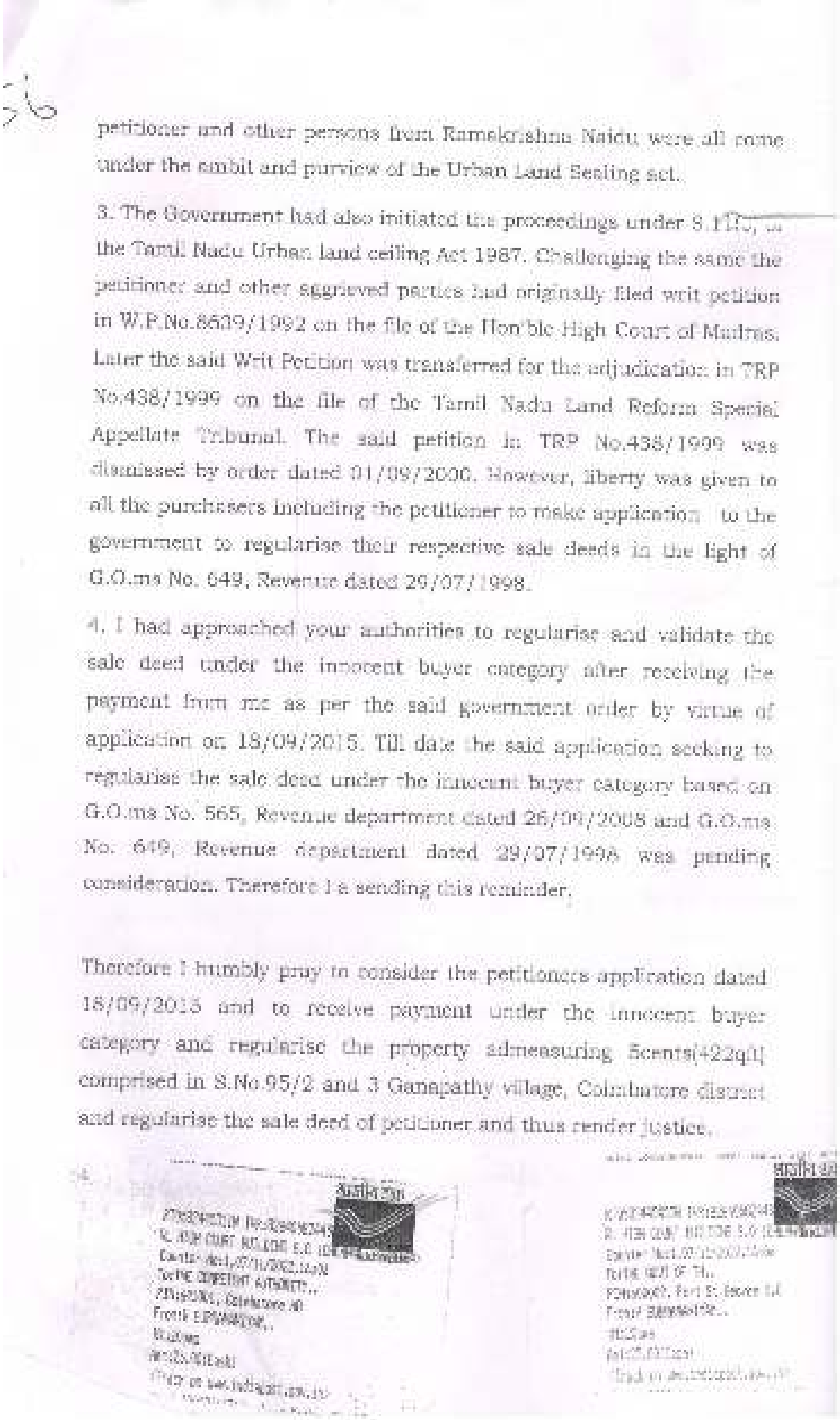
To,
1.The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George, Chennai

2.The Competent Authority
and Assistant Commissioner,
Urban Land Tax,
Coimbatore. --- Respondents

Respected Sir,

1. I submit that one Ramakrishna Naidu and possessed the larger extent of land in S.No.95/2,3 situated at Ganapathy, Coimbatore admeasuring 66.42 cents. They had plotted out the entire extent under various sale deeds to more than 60 persons by virtue of Registered Sale Deed. The petitioner also is one of the purchases of the plot sold by them by virtue of registered sale deed dated 19/08/1985 bearing document no.3666/1985 on the file of SRO Gandhipuram.

2. After purchasing the property the petitioner had also taken the possession of the same and had also put up the house in the property. Later it was notified by the government that the plot purchased by the



petitioner and other persons from Ramakrishna Naidu were all come under the ambit and purview of the Urban Land Sealing act.

3. The Government had also initiated the proceedings under S.11(3) of the Tamil Nadu Urban land ceiling Act 1987. Challenging the same the petitioner and other aggrieved parties had originally filed writ petition in W.P.No.8639/1992 on the file of the Hon'ble High Court of Madras. Later the said Writ Petition was transferred for the adjudication in TRP No.438/1999 on the file of the Tamil Nadu Land Reform Special Appellate Tribunal. The said petition in TRP No.438/1999 was dismissed by order dated 01/09/2000. However, liberty was given to all the purchasers including the petitioner to make application to the government to regularise their respective sale deeds in the light of G.O.ms No. 649, Revenue dated 29/07/1998.

4. I had approached your authorities to regularise and validate the sale deed under the innocent buyer category after receiving the payment from me as per the said government order by virtue of application on 18/09/2015. Till date the said application seeking to regularise the sale deed under the innocent buyer category based on G.O.ms No. 565, Revenue department dated 26/09/2008 and G.O.ms No. 649, Revenue department dated 29/07/1998 was pending consideration. Therefore I a sending this reminder.

Therefore I humbly pray to consider the petitioners application dated 18/09/2015 and to receive payment under the innocent buyer category and regularise the property admeasuring 5cents(422sqft) comprised in S.No.95/2 and 3 Ganapathy village, Coimbatore district and regularise the sale deed of petitioner and thus render justice.

8. Captioned writ petition disposed of with a simple directive to the third respondent to dispose of aforementioned application dated 18.09.2015 and representation/reminder dated 29.10.2022 as expeditiously as the business of the respondent would permit and in any event within four weeks from today i.e., by 12.01.2023. A copy of the disposal proceedings shall be served on the writ petitioner under due acknowledgement within seven working days from the date of disposal by the third respondent. Though obvious it is made clear that there is no expression of view or opinion on the merits of the matter in this order and therefore, third respondent shall consider the application/reminder representation on its own merits and in accordance with law.

Captioned writ petition disposed of in the aforesaid manner. There shall be no order as to costs.

15.12.2022

Non-speaking order
Index: no
gpa

To

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Fort St.George, Chennai

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M.SUNDAR, J.,

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