IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.223 of 2023

S.Jagannathan .... Petitioner

-Vs-

1 The Government of Tamil Nadu
Rep. by its secretary to Government
revenue Department Secretariat Fort St.
George Chennai

2 The special Commissioner
Urban Land Ceiling and urban Land Tax
Chepauk Chennai 05

3 The Competent Authority
and Assistant commissioner urban Land Tax
Coimbatore .... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to regularise the sale deed dated 01/11/1989 under the innocent buyer category and regularise the property admeasuring 5 cents and 162 sq.ft comprised in S.No.95/1 and 2 Ganapathy Village Coimbatore district in terms of G.O. Ms. No. 565 Revenue NA/ NEE/ U department dated 26/09/2008 and G.O. Ms.No. 649 Revenue NA/ NEE/ U Department dated 29/07/1998.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mrs.Akila Rajendran
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamusdirecting the respondents to regularise the sale deed dated 01/11/1989 under the innocent buyer category and regularise the property admeasuring 5 cents and 162 sq.ft comprised in S.No.95/1 and 2 Ganapathy Village Coimbatore district in terms of G.O. Ms. No. 565 Revenue NA/ NEE/ U department dated 26/09/2008 and G.O. Ms.No. 649 Revenue NA/ NEE/ U Department dated 29/07/1998.

The petitioner purchased a property to the extent of 2262 sq.ft at S.No.95/1 and 2, Ganapathy Village. However, subsequently he came to know that the land was subjected to the proceedings of the Urban Land Ceiling Act and without knowing the same, since the petitioner as an innocent purchaser had purchased the property, in view of the Urban Land Ceiling Act having been repealed by the subsequent Act, the Government had come forward to issue G.O.Ms.No.565 dated 26.09.2008 of the Department of Revenue, under which if the land is less than 1 ½ grounds, as an innocent purchaser who purchased the land covered under the Urban Land Ceiling Act proceedings, that can be regularized after remitting the value fixed by the authority. In this regard, the 2nd respondent is empowered to regularize the land purchased by the petitioner. Therefore, in order to regularize the same, the petitioner had given a representation on 29.10.2022 and in order to consider the same, the petitioner has moved the present writ petition.

2. Heard Mr.Rajarajan learned counsel for the petitioner and Mrs.Akila Rajendran, learned Government Advocate appearing for the respondents.

3. Learned Government Advocate would submit that the said representation dated 29.10.2022 submitted by the petitioner would be considered by the 2nd respondent on merits and in accordance with law within a time frame that may be stipulated by this Court,

4. Considering the limited scope of the prayer sought for and having regard to the aforesaid submissions made by the learned Government Advocate, this Court is inclined to dispose of this writ petition with the following order.

> "That there shall be a direction to the 2nd respondent to consider the representation submitted by the petitioner dated 29.10.2022 and pass necessary orders thereon on merits and in

accordance with law within a period of eight weeks from the date of receipt of a copy of this order.”

5. With the above directions, this writ petition is disposed of. No costs.

06.01.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

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Coimbatore

R. SURESH KUMAR, J.

KST

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