



W.P.No.869 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.869 of 2018

and

W.M.P.No.1044 of 2018

C.Malarmangai

... Petitioner

versus

1. The State of Tamil Nadu,
Rep.by the Secretary,
Revenue Department (Urban Land Ceiling),
Fort St.George, Chennai – 600 009.
2. The Special Commissioner &
Commissioner of Land Reforms (ULT & ULC),
Ezhilagam, Chepauk, Chennai – 600 005.
3. The Competent Authority (ULC),
Kundrathur Zone, 153, Karuneegar Street,
Adambakam, Chennai – 600 088.
4. The Executive Officer,
Porur Municipality,
Thiruvallur District,
Chennai – 600 116.
5. N.P.Palaniandavan
6. M.Gnanavalli

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7. Malliga Panneerselvam

8. P.Vijayalakshmi

9. K.Kasi

10. M.Thirupathi

11. Sucheta Anant Loakre

12. Rajeswari Chandra Sekaran

13. N.Shanmughasundaram

14. R.K.Sukumaran

15. M.Sivanandham

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the connected records of the third respondent relating to his Urban Land Ceiling Act vide 11(5) Notice bearing B/429/95 dated 30.10.1998 and B/430/95 dated 30.10.1998 (Certified Copy issued on 22.05.2017) requesting to deliver possession of Plot No.8, comprised in Survey No.68/1A bearing Patta No.1361 and Plot Nos.12 and 13 comprised in Survey No.68/1 Part, further sub divided as Survey No.68/1B bearing Patta No.1362 situated at Shakthi Nagar, Porur Village, Ambattur Taluk, Thiruvallur District and quash the same and to direct the respondents to treat the proceedings as abated under Section 4 of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 20 of 1999.

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For Petitioner : Mr.A.Ganapatheeswaran

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
R1 to R4

Mr.S.Sathia Chandran
for R14

R6 to R8 and R10 to R13 -
tapal returned as 'No such person'
R9 – tapal returned as 'Left'.

ORDER

The Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the proceedings, vide Notices issued under Section 11(5) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, bearing B/429/95 dated 30.10.1998 and B/430/95 dated 30.10.1998 (Certified Copy issued on 22.05.2017) and to direct the official respondents to treat the proceedings as abated under Section 4 of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 20 of 1999.

2. According to the petitioner, she is the absolute owner of Plot No.8



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measuring an extent of 1600 sq.ft in Survey No.68/1A bearing Patta No.1361 and Plot Nos.12 and 13 measuring an extent of 4000 sq.ft comprised in Survey No.68/1 Part, further sub divided as Survey No.68/1B bearing Patta No.1362 situated at Shakthi Nagar, Porur Village, Ambattur Taluk, Thiruvallur District, through a registered sale deeds, vide Doc.Nos.4900/2005 and 4901/2005. Ever since then, she had been enjoying the absolute title of both the survey lands. While so, it came to her knowledge that the subject properties were already acquired by the State Government with respect to the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 [hereinafter referred to as "ULC Act"]. Further, it was informed that notice under Section 11 (5) of ULC Act was issued to the then title holders of the property in the year 1999 itself, thereafter, there are no other proceedings initiated by the third respondent and possession was also not taken by the Government as stipulated under the procedures of ULC Act. The said acquisition is not reflected in the Encumbrance Certificate. It is further stated that the Government of Tamil Nadu have issued G.O.No.565, ULC 1(2) Department dated 26.09.2008 for regularisation of purchase of lands by innocent buyers,



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however, in the present case, the ownership had vested with the petitioner since the date of purchase and thereby, from the date of notice, the ownership was transferred to several persons and at that time, the third respondent had not taken any action. Hence, the petitioner is before this Court.

3. The learned counsel for the petitioner submitted that the third respondent has stated in paragraph No.7 of their counter affidavit, which reads as follows :

"With regard to the averments contained in paragraph 6 of the affidavit, it is submitted that the Government on a sympathetic view have taken a decision to regularize the sale of excess vacant land effected and the purchasers who have purchased the lands innocently were regularised as per G.O.(Ms).No.565 ULC 1(2) Department dated 26.09.2008, which clearly indicates that transaction effected since the commencement of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 [i.e. 03.08.1976] to the date of G.O [i.e. 26.09.2008]. The



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petitioner has option to utilize the opportunity and to get the transaction regularized."

Now the writ petitioner is ready to get the benefits under the G.O.(Ms).No.565, ULC 1(2) Department, dated 26.09.2008 and she seeks time for filing application before the competent authority.

4.The learned Additional Government Pleader appearing for respondents 1 to 4 submitted that though acquisition proceedings under the ULC Act was initiated and Notification under Section 11(5) of ULC Act requesting the land owner to hand over the possession of excess vacant land was issued on 30.10.1998, the same was served by affixture, as the land owner was not residing in the place. The possession of subject land was handed over to the Revenue Department on 22.01.1999 and necessary changes had been made in the Revenue Records. Thereafter, Notification under Section 12(7) of the ULC Act was issued on 21.02.2001 and further action is being taken. He further submitted that the petitioner is the subsequent purchaser of the subject land and she is in possession of the property in question. Subsequently, the Government had issued



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G.O.(Ms).No.565, ULC 1(2) Department, dated 26.09.2008. The title of the subsequent purchasers, who have purchased the lands innocently, had been regularised by invoking the said G.O.

5. The learned counsel for the petitioner himself admitted that the petitioner is the subsequent purchaser of the subject property and now she is ready to get the benefits under G.O.(Ms).No.565 ULC 1(2) Department dated 26.09.2008 and also she is ready to file an application before the competent authority by invoking the said G.O.

6. Considering the facts and circumstances and the submissions made by the learned counsel on either side, this Court feels that the petitioner is at liberty to approach the competent authority by invoking G.O.(Ms).No.565 ULC 1(2) Department, dated 26.09.2008 and file an application.

7. In view of the above discussion, the petitioner is directed to submit the application by invoking the said G.O., to the competent authority, within a period of one week from the date of receipt of a copy of this order, and on such receipt, if it is otherwise in order, the competent authority is directed to consider the application and pass appropriate orders, on merits and in



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accordance with law, after giving an opportunity of hearing to the petitioner and respondents 5 to 15 and rival claimants, if any and dispose of the above application, within a period of three months from the date of receipt of the application.

8. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the official respondents to decide the same at the time of disposing of the said application, purely on merits.

9. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.11.2023

Note : Issue order copy on 17.11.2023

Speaking/Non-speaking order

Index:Yes/No

Neutral citation : Yes/No

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To

1. The Secretary,
The State of Tamil Nadu,
Revenue Department (Urban Land Ceiling),
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2. The Special Commissioner &
Commissioner of Land Reforms (ULT & ULC),
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P.VELMURUGAN, J.

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