



W.P.No.20076 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.20076 of 2023

C.Sivamoorthy

... Petitioner

versus

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Revenue and Disaster Management Department ULC,
1(2) Wing Secretariat, Fort George,
Chennai – 600 009.
- 2.The Special Commissioner,
Commissionerate for Urban Land Ceiling & Urban Land Tax,
Chepauk, Chennai – 600 009.
- 3.Assistant Commissioner of Urban Land Ceiling
and Urban Land Tax,
Alandur, Kanchipuram District,
Tambaram – 600 045.
- 4.The Tahsildar,
Tambaram Taluk,
Tambaram.
- 5.The District Revenue Officer,
Office of the District Collector,
Chengalpattu.



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6.Executive Officer,
Perungalathur Town Panchayat,
Kancheepuram District – 600 063.

.... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the third respondent or their men, to pass appropriate orders based on the application submitted by the petitioner for regularization of lands under Innocent purchaser category and to consider the Application dated 20.02.2023 and to declare that the vacant land Kanchipuram District, Tambaram Circle, South Chennai District, Padappai Sub-Registration District, Perungalathur Town Panchayat Limits, Perungalathur Village comprised in S.No.190/4, Patta No.3574, New Survey Number 190/4B, Plot No.30A measuring an extent of 2/3 of 1200 sq.ft has been purchased by the petitioner C.Siva Moorthy vide Release deed Doc.No.5585/2008, dated 13.10.2008 registered on the file of SRO, Padappai, does not attract the provisions of the Tamil Nadu Urban Land Ceiling Act, 1978 or Section 3(1)(a) of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999, for the removal of the land ceiling.

For Petitioner : Mr.P.Paul Britto Kumar

For Respondents : Mr.P.Gurunathan
Additional Government Pleader
for R1 to R5

Dr.S.Surya for R6

ORDER



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This writ petition has been filed seeking for issuance of a Writ of Mandamus, directing the third respondent or their men, to pass appropriate orders based on the application submitted by the petitioner for regularization of lands under Innocent purchaser category and to consider the Application dated 20.02.2023, and to declare that the vacant land comprised in S.No.190/4, Patta No.3574, New Survey Number 190/4B, Plot No.30A measuring an extent of 2/3 of 1200 sq.ft situated at Kanchipuram District, Tambaram Circle, South Chennai District, Padappai Sub-Registration District, Perungalathur Town Panchayat Limits, Perungalathur Village, had been purchased by the petitioner, vide Release deed Doc.No.5585/2008, dated 13.10.2008 registered on the file of the Sub Registrar Office, Padappai, does not attract the provisions of the Tamil Nadu Urban Land Ceiling Act, 1978 or Section 3(1)(a) of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999, for removal of the land ceiling.

2. The case of the petitioner is that the land in question had been purchased by the petitioner by virtue of Release Deed Doc.No.5585/2008, dated 13.10.2008, on the file of the SRO, Padappai from C.Selvaraj and C.Kannan. Since then, he is in peaceful possession and enjoyment of the



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subject property. The petitioner claims that originally, the land in question was subjected to Urban Land Ceiling proceedings under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. Thereafter, the Government had issued G.O.Ms.No.649 Revenue Department, dated 29.07.1998 and took a policy decision to regularise the lands purchased by innocent purchasers and the said G.O was extended and re-issued in G.O.Ms.No.565, Revenue [ULC.1(2)] Department, dated 26.09.2008. The petitioner now seeks the benefits under the said G.O. In this regard, a representation has been given for favourable consideration on 20.02.2023 to the sixth respondent. Seeking examination of the representation, the present writ petition has been filed, in view of the inaction on the part of the respondents concerned.

3. The learned Additional Government Pleader appearing for respondents 1 to 5, by referring to the counter affidavit, contended that the petitioner had purchased the land in question, vide Release Deed Doc.No.5585/2008, dated 13.10.2008, beyond the cut-off date determined by the Government in G.O.Ms.No.565, Revenue [ULC.1(2)] Department,



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dated 26.09.2008. Hence, the petitioner's request for regularization of the said transaction under Innocent Buyers' category, did not satisfy the norms prescribed in the aforesaid Government Order. He further contended that the possession of the land in question was taken by the authority concerned on 11.5.1992, prior to the 'Tamil Nadu Urban Land (Ceiling & Repeal) Act, 1999' [hereinafter referred to as 'Repeal Act, 1999'] came into force. No proceedings were pending in respect of the land in question, before commencement of the Repeal Act, 1999. Therefore, Section 4 of the Repeal Act, 1999 is not applicable to the present case.

4. Heard both sides and perused the materials available on record.

5. Admittedly, the petitioner himself admitted that he is the third party purchaser and on 13.10.2008 he had purchased the land in question i.e. subsequent to coming into force of the Repeal Act, 1999.

6. Section 4 of the Repeal Act says that, if any proceedings are not being completed earlier to the Repealing Act coming into force, the said proceedings would get abated and the competent authority cannot continued



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the proceedings under the Tamil Nadu Urban Land Ceiling Act, 1978. The Government, considering the view that if anybody without knowing the fact that the land was declared as urban land and without knowing about that the land vested with the Government and they have purchased from original owners and they come under the category of *bona-fide* purchasers, and the value of the land would be fixed by the competent authority. Further, the Government had issued G.O.Ms.No.649, Revenue Department, dated 29.07.1998 and took a policy decision to regularise the lands purchased by the innocent purchasers and the said G.O was extended and re-issued in G.O.Ms.No.565, Revenue [ULC.1(2)] Department, dated 26.09.2008.

7. It is seen from the records that the petitioner submitted his application dated 20.02.2023, but so far, the petitioner's grievance has not been considered. Though the petitioner is ready to pay compensation as per the Scheme would be fixed by the Government/appropriate authority and so far that application has not been considered by the Government, he has filed the present writ petition.

8. Therefore, the third respondent is directed to consider the



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petitioner's application dated 20.02.2023, and pass appropriate orders, on merits and in accordance with law, after giving notice to the petitioner/interested parties/rival claimants and/or adjacent owners, and after conducting enquiry, within a period of two months from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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P.VELMURUGAN, J.

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