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W.P.No.27703 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27703 of 2023

P.Maheshwaran

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue and Disaster Management Department,
ULC-I (2) Wing,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Commissioner,
Commissioner of Urban Land Ceiling and
Urban Land Tax,
Ezhilagam. Chepauk,
Chennai – 600 005.

3.The Assistant Commissioner &
Competent Authority,
Urban Land Tax and Urban Land Ceiling,
Coimbatore – 641 018.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to consider the petitioner's representation



W.P.No.27703 of 2023

dated 08.06.2023 and to further nominate the petitioner as an innocent purchaser in terms of G.O.Ms.No.649 dated 29.07.1998 and G.O.Ms.No.565 dated 26.09.2008.

For Petitioner : Mr.S.V.Pravin Rathinam
For Respondents : Mr.G.Krishna Raja
Additional Government Pleader.

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation submitted by the writ petitioner on 08.06.2023 and to nominate the petitioner as an innocent purchaser in terms of G.O.Ms.No.649 dated 29.07.1998 and G.O.Ms.No.565 dated 26.09.2008.

2.The petitioner states that the land in his possession is sought to be acquired for Airport expansion at Coimbatore. The petitioner admittedly purchased the subject property vide registered sale deed dated 24.06.2016 in Document No.6096 of 2016. The vendor to the petitioner purchased the property on 27.01.1998 in Document No.252 of 1998. The property was



W.P.No.27703 of 2023

WEB COURT

declared as surplus under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. In respect of the surplus land, the innocent purchasers were granted benefit by the Government to submit an application for regularization. The cut-off date fixed for submitting the application as per the Government Scheme was 26.09.2008. Therefore, the innocent purchasers who purchased the surplus lands declared under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 may submit an application seeking regularization of the purchase enabling them to held title.

3.In the present case, admittedly the petitioner purchased the surplus land in the year 2016 after a lapse of eight years from the cut-off date fixed by the Government for submission of application to regularize the purchase under the Innocent Purchasers Scheme. Since the petitioner is not falling within the parameters fixed by the Government in its order, the representation/application submitted by the petitioner cannot be considered.

4.Even for issuing a direction to consider the representation, the petitioner approaching the High Court has to establish his right or



W.P.No.27703 of 2023

infringement of right. In the absence of any right, the High Court is not expected to issue direction to consider the representation which will end in futile exercise, more so, the litigant will be back again as such direction would do no service to the cause of justice, contrarily the practice would result in multiplicity of writ proceedings before the High Court.

5. Accordingly, the writ petition stands dismissed. No costs.

22.09.2023

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-Speaking Order



WEB COPY



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S.M.SUBRAMANIAM, J.

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