



W.P.No.30081 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.30081 of 2023

G.Naffes

... Petitioner

Vs.

1. The Principal Commissioner of
Urban Ceiling and Urban Land Tax,
Chepauk,
Chennai – 600 005.
2. The District Collector,
Chennai District,
Chennai – 600 001.
3. The Assistant Commissioner of
Urban Ceiling and Urban Land Tax,
No.5, 1st Floor, Sannathi Street,
Poonamallee,
Chennai – 600 056.
4. The Tahsildar,
Madhawaram Taluk,
Gandhi Main Road,
Balaji Nagar, Puzhal,
Chennai – 600 066.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent herein, to consider the representation dated 05.09.2023, thereby to regularize the housing site to an extent of 787 Sq.ft situated at No.8, Sivaji Nagar, Survey No.102/6, Patta No.262, Puthagaram, Puzhal Panchayat Union No.57, Ambattur, Thiruvallur District.

For Petitioner : Mr.J.Sathiaraj
for R.K.Law Firm

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the first respondent herein, to consider the petitioner's representation dated 05.09.2023 and to regularize the housing site of an extent of 787 Sq.ft situated at No.8, Sivaji Nagar, Survey No.102/6, Patta No.262, Puthagaram, Puzhal Panchayat Union No.57, Ambattur, Thiruvallur District.

2. The case of the writ petitioner is that the subject property was



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originally belonged to one Sundharajalu Naidu. After his demise, his legal heirs converted the property into a residential plot under unapproved layout and sold the same to one Aathimoola Mudhaliyar in the year 1985. Subsequently, the said land was acquired by the Government, under the Urban Land Ceiling Act and proceedings were also initiated against the previous vendor namely Sundharajalu Naidu. The petitioner, unaware of the Urban Land Ceiling proceedings, purchased the said property from one Suresh and his wife Sheela. As per G.O.No.565 dated 26.09.2008, in order to regularize the housing site and to issue patta, an exception was granted to the subsequent buyers. Based on the abovesaid G.O, the petitioner made representation dated 05.09.2023 to the respondents to regularize the abovesaid housing site. Since the respondents have not taken any action, the petitioner has filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4. The petitioner himself has admitted that the property acquired under Urban Land Ceiling Act was sold by the legal heirs of



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late.Sundharajalu Naidu, who was the original owner of the property, to one Aathimoola Mudhaliyar and proceedings were also initiated against the previous vendor Late Sundhararajalu Naidu. Subsequently, Aathimoola Mudhaliyar sold the property to third party and from them, the petitioner has purchased the property.

5. Under the above facts and circumstances, whether the petitioner is a bonafide purchaser or not cannot be decided in the writ petition. Hence the writ petition is dismissed. However, the petitioner is at liberty to workout his remedy in the manner known to law. The respondents are also directed to dispose the petitioner's representation dated 05.09.2023 in the manner known to law. No costs.

19.10.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

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