



W.P.(MD)No.15849 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.15849 of 2022

Kanmani

... Petitioner

Vs.

1. The Principal Secretary,
Revenue and Disaster Management,
State of Tamil Nadu,
Namakkal Kavigar Maligai,
Chennai.
2. The Principal Secretary / The Commissioner,
Urban Land Ceiling and Urban Land Tax Development,
State of Tamil Nadu,
Chepakkam,
Chennai.
3. The District Registrar (Administration),
Office of the District Registrar,
171, Aranmanai Salai,
Madurai South,
Madurai.



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4. The Assistant Commissioner,
Officer of the Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax Department,
K.K.Nagar,
Madurai District.

5. The Tahsildar,
Office of the Tahsildar,
Thiruparankundram Taluk,
Thanankkankulam,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the fourth respondent to regularise the petitioner's property measuring an extent of 360 sq.ft. in Survey No.204/B4, Door No.86B/2, Avvaiyar Street, Pasumpoon Nagar, Madakulam Village, Madurai District, under the G.O.No.565, dated 26.09.2008 passed by the first respondent under the innocent buyers category and confirm the title and possession of the petitioner's land to the petitioner by considering the petitioner's representation dated 13.04.2022 in accordance with law.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.J.Ashok
Additional Government Pleader



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ORDER

This Writ Petition has been filed in the nature of mandamus seeking a direction primarily against the second respondent, the Principal Secretary / Commissioner, Urban Land Ceiling and Urban Land Tax Development, Chennai to regularize the possession of the petitioner's land measuring 360 sq.ft. in S.No.204/B4, Door No.86B/2, Avvaiyar Street, Pasumpoon Nagar, Madakulam Village, Madurai District, taking recourse to G.O.No.565 dated 26.09.2008 which had been passed by the first respondent under by categorizing the petitioner as an innocent buyer and thereby confirming the title and possession of the petitioner to the aforementioned land. The petitioner had given a representation on 13.04.2022.

2. In the affidavit filed in support of the Writ Petition, it had been stated that the father of the petitioner, by name, Alagarsamy had purchased a property in S.No.204/B4, Door.No.86B/2, Avvaiyar Street, Pasumpoon Nagar, Madakulam Village, Madurai, by virtue of five sale deeds registered as Document Nos.6410 to 6416 of 1996 dated 16.03.1996. Each one of the



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properties measure 360 sq.ft., The petitioner is residing in that particular place. However, the fourth respondent, Assistant Commissioner, office of the Assistant Commissioner, Urban Land Ceiling and Urban Land Tax Department, Madurai had put the above mentioned property under the Tamil Nadu Urban Land (Ceiling and Regulation) Act 1978. The petitioner takes recourse to G.O.No.565, dated 26.09.2008 whereby, the petitioner is categorized as an innocent purchaser, could get the purchase regularized. A representation has been given by the petitioner herein.

3. Let the second respondent shall consider the said representation given by the petitioner dated 13.04.2022. However it would only be appropriate that the petitioner gives a fresh representation within a period of three weeks from the date of receipt of a copy of this order and thereafter, the second respondent may consider the said representation within a further period of sixteen weeks.

4. The second respondent may keep in mind the fact of consistent orders of the similar nature had been passed and one said order is in W.P.No.



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(MD)No.4828 of 2022, dated 18.03.2022, ***Poochakkaravarthi vs. The Principal Secretary, Revenue and Disaster Management, State of Tamil Nadu, Chennai and others.***

5. This Writ Petition stands disposed of. There shall be no order as to costs.

29.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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