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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.16737 of 2022

Sadagopan

... 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.

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

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

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to pass appropriate order and permission on the basis of the report in Na.Ka.No.A1/1584/2021, dated 15.03.2022 sent by the respondent No.4 to the respondent No.2, relating to regularize the petitioner's property measuring to an extent of 940.5 square feet housing land in Madakulam Village Survey Number.204/B4 in Madurai South Taluk, Madurai District in accordance with the G.O.Ms.No.565, dated 26.09.2008, passed by the respondent No.1 under the innocent buyers category and confirm the title and possession of the petitioner's land to the petitioner by consider the petitioner's representation, dated 06.07.2022 in accordance with law within the time stipulated by this Court.

For Petitioner	:Mr.R.Alagumani
For R1, R2, R4 and R5	:Mr.J.Ashok Additional Government Pleader
For R3	:Mr.M.Pramkash Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking consideration of the report in Na.Ka.No.A1/1584/2021, dated 15.03.2022 of the fourth respondent, which had been issued to the second respondent relating to the regularisation of the property of the petitioner measuring 940.5 sq.ft., as housing land in Madakulam Village in S.No.



204/B4 in Madurai South Taluk, Madurai District in accordance with G.O.Ms.No.565, dated 26.09.2008, which had been passed by the first respondent by indicating that the petitioner is an innocent buyer.

2.Heard Mr.R.Alagumani, learned Counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondents 1, 2, 4 and 5 and Mr.M.Prakash, learned Additional Government Pleader for the third respondent.

3.The petitioner had earlier given a representation on 06.07.2022. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner had been residing in the aforementioned address at S.No. 204/B4, Avvayar Street, Pasumpon Nagar, Madakulam Village, Tiruparankundram, Madurai having purchased the same by a sale deed registered as Doc.No.3331/1993 on 03.08.1993. The land measures 940.5 sq.ft.

4.It had been stated that the fourth respondent had stated that the lands come under the purview of Tamil Nadu Urban Land (Ceiling and



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Regulation) Act, 1978. The petitioner seeks recourse to G.O.Ms.No.565, dated 26.09.2008, which had been passed with an intention to protect the interest of innocent buyers. The petitioner claims that he is also an innocent buyer and seeks such classification and protection. He had given a representation to the fourth respondent , who in turn forwarded the same to the second respondent.

5.A direction is given to the second respondent herein to consider not only the representation of the petitioner but also the report of the fourth respondent and if required, issue notice to the petitioner and hear the petitioner and examine the revenue records and then pass necessary orders. Such exercise should be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

31.03.2023

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.16737 of 2022

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