IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 05.03.2024

Orders Pronounced on: 26.06.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.2354 and 3482 of 2024

and

W.M.P.No.3741 of 2024

S.Sofia Janet .. Petitioner in W.P.No.2354 of 2024

1. B.Vinothkumar
2. B.Vasanth .. Petitioners in W.P.No.3482 of 2024

Vs.

1. The State of Tamil Nadu,
   Rep. by its Secretary,
   Revenue and Disaster Management Department,
   Secretariat, Fort St.Goerge,
   Chennai-600 009.

2. The Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai-600 005.

3. The Assistant Commissioner,
Office of Urban Land Ceiling and Urban Land Tax,
Tambaram Division,
No.153, Karuneegar Street,
Adambakkam, Chennai-600 088.

4. The Tahsildar,
Tambaram Taluk, Chengalpattu District.

.. Respondents in both Writ Petitions

Writ Petition No.2354 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner’s application dated 05.04.2023 made for regularisation of the house-site property, measuring an extent of 4212 Sq.Ft. in Survey Old No.77/1B and No.77/1B4 and sub-division No.77/1B4B, situated at Velacherry Main Road, Gowrivakkam Village, Tambaram Taluk (previously Saidapet), Chengalpattu District, which is covered by Settlement Deed, vide Document No.8883 of 2021, dated 03.08.2021, registered at the Office of SRO, Tambaram, under the category of “innocent buyer” by extending the benefits under G.O.Ms.No.63, Revenue Department, dated 27.01.2020 and G.O.Ms.No.565, dated 26.09.2008.

Writ Petition No.3482 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner's application dated 05.04.2023 made for regularisation of the house-site property, measuring an extent of 2919 Sq.Ft. in Survey Old No.77/1B and New No.77/1B4, situated at Velacherry Main Road, Gowrivakkam Village, Tambaram Taluk (previously Saidapet), Chengalpattu District, which is covered by Settlement Deed, Vide Document No.8635 of 2012, dated 09.11.2012, registered at the office of SRO, Tambaram, under the category of "innocent buyer" by extending the benefits under G.O.Ms.No.63, Revenue Department, dated 27.01.2020 anad G.O.Ms.No.565, dated 26.09.2008.

For petitioner in both Writ Petitions : Mr.M.Velmurugan
For respondents in both Writ Petitions: Mr.T.Arun Kumar, Addl.G.P.

Common Order

Writ Petition No.2354 of 2024 is filed, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner's application dated 05.04.2023 made for regularisation of the house-site property, measuring an extent of 4212 Sq.Ft. in Survey Old No.77/1B and No.77/1B4 and sub-division No.77/1B4B, situated at Velacherry Main Road, Gowrivakkam Village, Tambaram Taluk (previously Saidapet), Chengalpattu District, which is covered by Settlement Deed, vide Document No.8883 of 2021, dated 03.08.2021, registered at the Office of SRO, Tambaram, under the category of “innocent buyer” by extending the benefits under G.O.Ms.No.63, Revenue Department, dated 27.01.2020 anad G.O.Ms.No.565, Revenue Department, dated 26.09.2008.

2. Writ Petition No.3482 of 2024 is filed, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner’s application dated 05.04.2023 made for regularisation of the house-site property, measuring an extent of 2919 Sq.Ft. in Survey Old No.77/1B and New No.77/1B4, situated at Velacherry Main Road, Gowrivakkam Village, Tambaram Taluk (previously Saidapet), Chengalpattu District, which is covered by Settlement Deed, Vide Document No.8635 of 2012, dated 09.11.2012, registered at the office of SRO, Tambaram, under the category of “innocent buyer” by extending the benefits under G.O.Ms.No.63, Revenue Department, dated 27.01.2020 anad G.O.Ms.No.565, Revenue Department, dated 26.09.2008.

3. Brief facts in W.P.No.2354 of 2024:

(a) The house-site property was purchased on 29.03.1993 by the petitioner's mother-in-law Mrs.Mangalam. The sale had been registered as Document No.1556 of 1993 in the office of the Sub-Registrar, Tambaram. The said purchase was made from one P.Uttamaraj and his vendors are one Mrs.Rahimunnisha and six others. On account of old age and out of love and affection to provide a security to her son, she executed a settlement deed in favour of her husband Mr.Solomon Charles, vide Document No.8636 of 2012, dated 09.11.2012. Later, the petitioner's husband Mr.Solomon Charles executed a settlement deed in favour of the petitioner, vide Document No.8883 of 2021, dated 03.08.2021.

(b) Later, it came to the knowledge of the petitioner from the neighbours that the subject matter house-site property and certain other contiguous properties, were once covered by the Tamil Nadu Urban Land (Ceiling and Regulation) Act, however, it appears that the physical possession of the land(s) in whose name these land(s) were held to be excess, was not taken and on account of the repealing of the said Act, all further proceedings stood abated.

(c) The petitioner is an innocent purchaser of the aforesaid house-site property. In order to protect the interest of innocent purchasers, the Government of Tamil Nadu issued G.O.Ms.No.63, Revenue Department, dated 27.01.2020 and G.O.Ms.No.565, Revenue Department, dated 26.09.2008 and hence, the petitioner submitted an application to the third respondent on 05.04.2023 for regularisation of the purchase of the land(s) under the 'innocent purchaser' category, and the said application was duly acknowledged on the said date. Hence, the petitioner is entitled to equality and equal protection in law, which is a positive equality. The official respondents are bound to treat the petitioner equally without any discrimination.

4. Brief facts in W.P.No.3482 of 2024:

(a) The house-site property was purchased on 29.03.1993 by the petitioner's mother Mrs.Mangalam. The sale had been registered as Document No.1556 of 1993 in the office of the Sub-Registrar, Tambaram. The said purchase was made from one P.Uttamaraj and his vendors are one Mrs.Rahimunnisha and six others. On account of old age and out of love and affection to provide a security to the petitioners, she executed a settlement deed in favour of the petitioners, vide Document No.8635 of 2012, dated 09.11.2012.

(b) Later, it came to the knowledge of the petitioners from the neighbours that the subject matter house-site property purchased by the petitioners' mother and certain other contiguous properties, were once covered by the Tamil Nadu Urban Land (Ceiling and Regulation) Act, however, it appears that the physical possession of the land(s) in whose name these land(s) were held to be excess, was not taken and on account of the repealing of the said Act, all further proceedings stood abated.

(c) The petitioners are innocent purchasers of the aforesaid house-site property. In order to protect the interest of innocent purchasers, the Government of Tamil Nadu issued G.O.Ms.No.63, Revenue Department, dated 27.01.2020 and G.O.Ms.No.565, Revenue Department, dated 26.09.2008 and hence, the petitioners submitted an application to the third respondent on 05.04.2023 for regularisation of the purchase of the land(s) under the 'innocent purchaser' category, and the said application was duly acknowledged on the said date. Hence, the petitioner is entitled to equality and equal protection in law, which is a positive equality. The official respondents are bound to treat the petitioners equally without any discrimination.

5. The respondents have filed counter affidavit in W.P.No.2354 of

2024 stating as follows:

(a) A total extent of 750 Square Metres of excess vacant land, comprised in S.No.77/1B4B of Gowrivakkam Village, was acquired from the urban land owner, Thiru.Uttamaraj, as per the provisions of the said Act. The petitioner got the land of an extent of 4212 Sq.Ft. in Survey Old No.77/1B and New No.77/1B4 and sub-division No.77/1B4B of Gowrivakkam Village, by way of settlement deed, vide Document No.8883 of 2021, dated 03.08.2021.

(b) The petitioner filed an application dated 05.04.2023 before the third respondent, requesting for regularisation of the above said transaction under the 'innocent buyer' category, vide G.O.Ms.No.565, Revenue Department, dated 26.09.2008. The third respondent, vide letter no.Rc.No.A/626/2023, dated 11.04.2023 sent a notice to the petitioner, requesting him to appear for a personal enquiry on 26.04.2023 along with original documents, and subsequently, the petitioner came up for hearing and furnished her statement on that day. The third respondent, after examining the petitioner's application with reference to connected records, found that the petitioner's request did not satisfy the norms prescribed in G.O.Ms.No.565, Revenue (ULC.1(1)) Department, dated 26.09.2008 and

G.O.Ms.No.63, Revenue and Disaster Management (ULC.I(2)), dated 27.01.2020. The petitioner obtained the land in question by way of settlement deed, vide Doc.No.8883 of 2021, dated 03.08.2021. Originally, the above settlement deed was executed by Tmt.Mangalam in favour of her son Thiru.Solomon Charles, vide Document No.8636 of 2012, dated 09.11.2012 and later, the said Solomon Charles executed a settlement deed in favour of the writ petitioner being his wife, vide Document No.8883 of 2021, dated 03.08.2021, which is beyond the cut-off dated 26.09.2008 determined by the Government in the G.Os. supra. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

(c) The land in S.No.77/1B4B of Gowrivakkam Village, was acquired from the urban land owner Thiru.Uttamaraj as per the provisions of the said Act and the possession of the land was taken over by the Revenue Authorities concerned on 28.05.1999. Hence, any sale made after 03.08.1976 is null and void, as per Section 6 of the Principal Act.

(d) The Principal Act of 1978 was repealed by introduction of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act of 1999 (Tamil Nadu Act 20 of 1999). The possession of the excess vacant land(s) in S.No.77/1B4B, measuring an extent of 750 Sq.Mts. in Gowrivakkam Village, was taken over by the Revenue Authorities concerned on 28.05.1999, prior to the Repeal Act, which came into force with effect from 16.06.1999. Hence, the possession of the acquired land(s), is saved under the 'saving clause' under Section 3(1)(a) of the Act. In the instant case, the possession of the land(s0 was taken over prior to the Repeal Act, 1999 and no proceedings were pending in respect of the land(s) mentioned above, before commencement of the Repeal Act. Hence, the question of abatement of proceedings did not arise. Section 4 of the Repeal Act is not applicable to the case.

(e) The mother-in-law of the petitioner, i.e. Tmt.Mangalam, purchased the subject land, vide sale deed in Document No.1556 of 1993, dated 29.03.1993 and she executed a settlement deed in favour of her son, namely Thiru.Solomon Charles, vide Document No.8636 of 2012, dated 09.11.2012. Before execution of the settlement deed, she did not file an application under the 'innocent buyer category' for regularisation of her land. Subsequently, the said Solomon Charles executed a settlement deed in favour of the writ petitioner, vide Document No.8883 of 2021, dated 03.08.2021, which is beyond the cut-off date (26.09.2008) determined by the Government in the G.O. supra.

(f) This Court, in the order dated 31.08.2023 in W.P.No.11514 of 2023, observed as follows:

> "14. The abovesaid clarification reveals that applications are received for regularisation from the Innocent Buyers, who made purchase between 03.08.1976 and 26.09.2008. Admittedly, the first petitioner purchased the subject property in the year 2012. Though the second petitioner purchased the property in the year 2006 and falling within the cut off date, the second respondent had already transferred the property in favour of the first petitioner. Therefore, the second petitioner became ineligible to submit an application under the Innocent Purchaser Scheme.
>
> 15. This being the factum, this Court do not find any infirmity in respect of the order impugned passed by the third respondent dated 16.02.2023.
>
> 16. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed."

(g) This Court, in another Writ Petition in W.P.No.27703 of 2023, by order dated 22.09.2023, observed as follows:

> "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 regularise the purchases 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 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."

(h) In the present case, the possession of the excess vacant land in S.No.77/1B4B of Gowrivakkam Village, was taken over prior to the introduction of the Repeal Act of 1999 and hence, it is saved under Section 3(1)(a) of the Repeal Act of 1999.

(i) Earlier, in the year 1998, Government in G.O.Ms.No.649, Revenue

Department, dated 29.07.1998, issued orders for regularisation of the land held up to 1-½ grounds for residential purpose alone. Thereafter, in the year 2008, in G.O.Ms.No.565, Revenue Department, dated 26.09.2008, the Government issued revised guidelines for regularisation of purchases made by way of registered sale deeds made up to 26.09.2008. In the G.O. supra, no relief was provided to the public who had acquired the lands through settlement, gift, exchange, Will, release deed, etc. Thereafter, the Government in G.O.Ms.No.63, Revenue Department, dated 27.01.2020, issued certain clarifications for regularisation of the lands acquired through settlement deed, release deed, etc. But, the cut-off date 26.09.2008 was not extended. In the instant case, the settlement was made to the writ petitioner on 03.08.2021, i.e. beyond the cut-off date 26.09.2008. Therefore, the petitioner is not eligible to be considered under the Innocent Buyers' Scheme, in the light of both gh G.Os. stated supra. Since the possession of the land is vested with the Government prior to 16.06.1999, neither the settlee (petitioner's husband), nor the settlor (petitioner) has 'locus-standi' to claim ownership over the property. Therefore, the contention of the petitioner that her application dated 05.04.2023 was not taken into consideration, is not correct.

6. The respondents had filed counter affidavit in W.P.No.3482 of 2024, stating as follows:

(a) A total extent of 750 Square Metres of excess vacant land, comprised in S.No.77/1B4B of Gowrivakkam Village, was acquired from the urban land owner, Thiru.Uttamaraj, as per the provisions of the said Act. The petitioners got the land of an extent of 2919 Sq.Ft. in Survey Old No.77/1B and New No.77/1B4 of Gowrivakkam Village, by way of settlement deed, vide Document No.8635 of 2012, dated 09.11.2012.

(b) The petitioners filed an application dated 05.04.2023 before the third respondent, requesting for regularisation of the above said transaction under the 'innocent buyer' category, vide G.O.Ms.No.565, Revenue Department, dated 26.09.2008. The third respondent, vide letter No.Rc.No.A/625/2023, dated 11.04.2023 sent a notice to the petitioners, requesting them to appear for a personal enquiry on 26.04.2023 along with original documents, and subsequently, the petitioners came up for hearing on 27.04.2023 and furnished their statement on that day. The third respondent, after examining the petitioners' application with reference to connected records, found that the petitioners' request did not satisfy the norms prescribed in G.O.Ms.No.565, Revenue (ULC.1(1)) Department, dated 26.09.2008 and G.O.Ms.No.63, Revenue and Disaster Management (ULC.I(2)) Department, dated 27.01.2020. The petitioners obtained the lands in question by way of settlement deed, vide Doc.No.8635 of 2012, dated 09.11.2012, which is beyond the cut-off date 26.09.2008 determined by the Government in G.O.Ms.No.565, Revenue (ULC.1(1)) Department, dated 26.09.2008.

(c) The land in S.No.77/1B4B of Gowrivakkam Village, was acquired from the urban land owner Thiru.Uttamaraj as per the provisions of the said Act and the possession of the land was taken over by the Revenue Authorities concerned on 28.05.1999. Hence, any sale made after 03.08.1976 is null and void, as per Section 6 of the Principal Act.

(d) The Principal Act of 1978 was repealed by introduction of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act of 1999 (Tamil Nadu Act 20 of 1999). The possession of the excess vacant land(s) in S.No.77/1B4B, measuring an extent of 750 Sq.Mts. in Gowrivakkam Village, was taken over by the Revenue Authorities concerned on 28.05.1999, prior to the Repeal Act, which came into force with effect from 16.06.1999. Hence, the possession of the acquired land(s), is saved under the 'saving clause' under Section 3(1)(a) of the Act. In the instant case, the possession of the land(s) was taken over prior to the Repeal Act, 1999 and no proceedings were pending in respect of the land(s) mentioned above, before commencement of the Repeal Act. Hence, the question of abatement of proceedings did not arise. Section 4 of the Repeal Act is not applicable to the case.

(e) The mother of the petitioners, i.e. Tmt.Mangalam, purchased the subject land, vide sale deed in Document No.1556 of 1993, dated 29.03.1993 and she executed a settlement deed in favour of her sons, namely Thiru.B.Vinoth Kumar and Thiru.B.Vasanth (petitioners herein), vide Document No.8635 of 2012, dated 09.11.2012. Before execution of the settlement deed, she did not file an application under the 'innocent buyer category' for regularisation of her land, which is beyond the cut-off date 26.09.2008 determined by the Government in G.O. stated supra.

(f) This Court, in the order dated 31.08.2023 in W.P.No.11514 of 2023, observed as follows:

> "14. The abovesaid clarification reveals that applications are received for regularisation from the Innocent Buyers, who made purchase between 03.08.1976 and 26.09.2008. Admittedly, the first petitioner purchased the subject property in the year 2012. Though the second petitioner purchased the property in the year 2006 and falling within the cut off date, the second respondent had already transferred the property in favour of the first petitioner. Therefore, the second petitioner became ineligible to submit an application under the Innocent Purchaser Scheme.
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> 16. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed."

(g) This Court, in another Writ Petition in W.P.No.27703 of 2023, by order dated 22.09.2023, observed as follows:

> "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 regularise the purchases 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.
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> 4. Even for issuing a direction to consider the representation, the petitioner approaching the High Court has to establish his right or 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.
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(h) In the present case, the possession of the excess vacant land in S.No.77/1B4B of Gowrivakkam Village, was taken over prior to the introduction of the Repeal Act of 1999 and hence, it is saved under Section 3(1)(a) of the Repeal Act of 1999.

(i) Earlier, in the year 1998, Government in G.O.Ms.No.649, Revenue Department, dated 29.07.1998, issued orders for regularisation of the land held up to 1-½ grounds for residential purpose alone. Thereafter, in the year 2008, in G.O.Ms.No.565, Revenue Department, dated 26.09.2008, the Government issued revised guidelines for regularisation of purchases made by way of registered sale deeds made up to 26.09.2008. In the G.O. supra, no relief was provided to the public who had acquired the lands through settlement, gift, exchange, Will, release deed, etc. Thereafter, the Government in G.O.Ms.No.63, Revenue Department, dated 27.01.2020, issued certain clarifications for regularisation of the lands acquired through settlement deed, release deed, etc. But, the cut-off date 26.09.2008 was not extended. In the instant case, the settlement was made to the writ petitioners on 09.11.2012, i.e. beyond the cut-off date 26.09.2008. Therefore, the petitioners are not eligible to be considered under the Innocent Buyers’ Scheme, in the light of both G.Os. stated supra. Since the possession of the land is vested with the Government prior to 16.06.1999, the settlees (petitioners) have no ‘locus-standi’ to claim ownership over the property. Therefore, the contention of the petitioners that their application dated 05.04.2023 was not taken into consideration, is not correct.

7. Learned counsel for the petitioners in both the Writ Petitions submitted that the respondents are bound to act fairly by exercising their powers in accordance with the settled position of law. Admittedly, the petitioners had purchased the house-site properties well before issuance of the above said G.Os., dated 26.09.2008 and 27.01.2020. Similarly placed petitioners' neighbours have been issued with the order of regularisation of their purchase under 'innocent purchaser category' and hence, the petitioners are also entitled to equality before law and equal protection of law in terms of Article 14 of the Constitution of India. The petitioners' properties were initially purchased on 29.03.1993 by her mother-in-law Mrs.Mangalam and the sale deed has been registered as Document No.1556 of 1993 at the office of the Sub-Registrar, Tambaram. It was well before issuance of the Government Orders on the subject. The respondents should have considered the petitioners' application dated 05.04.2023 for regularisation independently and expeditiously, by applying the principle of parity in treatment. In the absence of any ban or statutory interdict to consider the

petitioners' application or regularisation in accordance with the said G.Os., providing relief to innocent purchasers, any delay caused by the respondents is impermissible and cannot be countenanced.

8. Learned counsel for the petitioners further submitted that the Urban Land Ceiling Act was repealed with effect from 16.06.1999 making it clear that if the actual physical possession had not been taken, all proceedings get abated. Various persons have purchased and their purchase had been regularised and hence, the respondents cannot adopt different yardsticks or approach to the petitioners' case differently. Further, the writ petitioners being bona-fide and innocent purchasers, for true value, are entitled to regularisation of purchase under the category of "innocent buyer" by extending the benefits under G.O.Ms.No.63, Revenue Department, dated 27.01.2020 and G.O.Ms.No.565, Revenue Department, dated 26.09.2008. These G.Os. have neither been rescinded and capable of being considered and the respondents should have acted with a sense of urgency and responsibility than resorting to hyper-technicalities. In any event, the delay caused by the respondents, is per-se illegal and cannot be countenanced.

9. Learned Additional Government Pleader appearing for respondents

submitted that the petitioners have filed applications before the third respondent, requesting for regularisation of the transaction under the "innocent purchaser scheme", vide G.O.Ms.No.565, Revenue Department, dated 26.09.2008, for which, the third respondent also sent a notice to the petitioners for personal enquiry along with the original documents and the petitioners have also appeared for the enquiry and made their submissions. After enquiry, it was found that the petitioners' reference did not specify the prescribed norms in the said G.O.Ms.No.565 and also G.O.Ms.No.63 stated above. Though the petitioners have obtained the land(s) in question by way of settlement deed, dated 03.08.2021, originally, the above said settlement deed was executed by the said Mangalam in favour of her son Solomon Charles in Document No.8636 of 2012, dated 09.11.2012 and later, the said Solomon Charles executed settlement deed in favour of the petitioners on 03.08.2021, vide Document No.8883 of 2021 and the same is beyond the cut-off date mentioned in the said G.O.Ms.No.565. Therefore, the petitioners are not entitled to get the benefits under the above said G.O. under the 'innocent purchaser scheme'. Even prior to the repealing of the Urban Land Ceiling Act, the possession of the land(s) was taken over by the Revenue Authority concerned on 28.05.1999 and therefore, the sale made after 03.08.1976 is null and void as per Section 6 of the Principal Act.

10. Learned Additional Government Pleader further contended that the Principal Act of 1978 was repealed by introduction of the Repeal Act of 1999 and the possession of the excess vacant land(s) in S.No.77/1B4B, measuring an extent of 750 Sq.Mts., in Gowrivakkam Village, was taken over by the Revenue Authority concerned on 28.05.1999, prior to the Repeal Act, which came into force with effect from 16.06.1999. Hence, the possession of the acquired land(s) is saved under the 'saving clause' under Section 3(1)(a) of the Act. Since the land(s) in question were taken over prior to the Repeal Act of 1999, no proceedings were pending in respect of the land(s) before commencement of the Repeal Act. Therefore, the question of abatement of proceedings did not arise. Section 4 of the Repeal Act is not applicable to the petitioners' case. Even the mother-in-law of the petitioners, i.e. Mrs.Mangalam purchased the subject land(s), vide sale deed in Document No.1556 of 1993, dated 29.03.1993 and she executed a settlement deed in favour of her son Solomon Charles, vide Document No.8636 of 2012, dated 09.11.2012. Even prior to the execution of the settlement deed, when she was the owner of the properties, she did not file any application under the "innocent buyer category" for regularisation of her

land(s). Subsequently, the said Solomon Charles executed settlement deed in favour of the writ petitioners under registered document, dated 03.08.2021, which is beyond the cut-off date determined by the Government in G.O.Ms.No.565, dated 26.09.2008 stated supra. Further, this Court, on several occasions, held that in a case of this nature, the persons like the petitioners are not entitled to get the benefits under the "innocent purchaser scheme".

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

12. Admittedly, the subject land(s) were the lands that are covered under the Urban Land Ceiling Act and the notice was also issued to the original owner and the Urban Land Ceiling proceedings were also initiated and even prior to the Repeal Act came into force, all the proceedings were completed. After the Repeal Act came into force, the petitioners have purchased the properties. Thereafter, the settlement deed was executed by the said Solomon Charles in favour of the writ petitioners, but even the cut-off date and the period mentioned under the 'innocent purchaser scheme' do not fall within the petitioners' case and within the said scheme. Even all the proceedings under the Urban Land Ceiling Act was completed before the Repeal Act came into force, and even otherwise, the predecessors-in-

title of the petitioners have not claimed the benefits under the "innocent buyer scheme", and they did not file any application by invoking that scheme and the writ petitioners are only the subsequent owners, who have obtained the properties after the cut-off date of the period of the scheme, and therefore, the respondents have rightly dealt with the matter and rejected the claim of the petitioners stating that the petitioners do not fall under the relevant Act, and they are not entitled to get the benefit under the innocent purchaser scheme.

13. Therefore, on a perusal of the entire averments made in the Writ Petitions and also the counter affidavit filed by the respondents and the entire materials placed before this Court, this Court does not find any perversity or infirmity in the action of the respondents. Since the writ petitioners are not covered under the benefit of the "innocent purchaser scheme", as pointed out by the learned Additional Government Pleader, that on the earlier occasion, this Court dealt with the similar matter and all the materials available on record show that the petitioners are not entitled to get the benefits under the "innocent purchaser scheme". Therefore, this Court does not find any reason to grant the relief of Mandamus as sought for by the petitioners.

14. Accordingly, for the reasons stated above, the Writ Petitions are dismissed. There shall be no order as to costs. W.M.P.No.3741 of 2024 is ordered on payment of separate Court fee by each of the petitioners.

26.06.2024

Index:Yes/no

Speaking Order: Yes/no

Neutral case citation: Yes/no

cs

To

1. The State of Tamil Nadu,
   Rep. by its Secretary,
   Revenue and Disaster Management Department,
   Secretariat, Fort St.Goerge,
   Chennai-600 009.

2. The Commissioner,
   Urban Land Ceiling and Urban Land Tax,
   Chepauk, Chennai-600 005.

3. The Assistant Commissioner,
   Office of Urban Land Ceiling and Urban Land Tax,
   Tambaram Division,
   No.153, Karuneegar Street,
   Adambakkam, Chennai-600 088.

4. The Tahsildar,
   Tambaram Taluk, Chengalpattu District.

P.VELMLURUGAN, J

cs

Pre-delivery Order in
W.P.Nos.2354 and 3482 of 2024

Order Pronounced on
26.06.2024