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W.P.No.16571 of 2024 and etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.Nos.16571, 16705 & 16711 of 2024

and

W.M.P.Nos.18182, 18183, 18340, 18341 & 18350 of 2024

1. Dr.T.Krishna Kumar
2. T.Tamilarasi
3. T.Lavanya

... Petitioners
in all W.Ps.

Vs.

1. The State represented by
The Principal Secretary to the Government,
Revenue Department,
Secretariat,
Chennai – 600 009.
2. The Principal Secretary/The Special Commissioner/
Director of Urban Land Ceiling and Urban Land Tax,
Ezhilagam, Chempauk,
Chennai – 600 005.
3. The Assistant Commissioner,
Urban Land Tax, Kundrathur,
No.153, Karuneeagar Street, Adambakkam,
Chennai – 600 088.
4. The Tahsildar,
Tambaram Taluk,
Tambaram,
Chennai.

... Respondents
in all W.Ps.



W.P.No.16571 of 2024 and etc. batch

Prayer in W.P.No.16571 of 2024: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 3rd respondent in the name of the 3rd petitioner's mother in Letter Oo.Mu.No.467/2021/A dated 12.08.2021 and to quash the same and consequently directing the respondents to regularize the land, stand in the name of the Petitioners to an extent of 3600 Sq.ft. in Plot No.2 in S.No.385/1 (part), No.173, Selaiyur Village, Saidapet Taluk, Chengalpet District under innocent purchaser category in terms of G.O.Ms.No.649, Revenue dated 29.07.1998 and G.O.(Ms).No.565, Revenue Department, dated 26.09.2008.

Prayer in W.P.No.16705 of 2024: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 3rd respondent in the name of the 3rd petitioner's mother in Letter Oo.Mu.No.468/2021/A dated 12.08.2021 and to quash the same and consequently directing the respondents to regularize the land, stand in the name of the Petitioners to an extent of 5310 Sq.ft. in Plot No.1 in S.No.385/1 (part), No.173, Selaiyur Village, Saidapet Taluk, Chengalpet District under innocent purchaser category in terms of G.O.Ms.No.649, Revenue dated 29.07.1998 and G.O.(Ms).No.565, Revenue Department, dated 26.09.2008.



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Prayer in W.P.No.16711 of 2024: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 2nd respondent in Letter Na.Ka.No.E2/10809/2022 dated 22.06.2023 and to quash the same and consequently directing the respondents to regularize the land, stand in the name of the Petitioners to an extent of 8910 Sq.ft. (5310 + 3600 Sq.ft.) in Plot No.1 in S.No.358/1 (part) No.173, Selaiyur Village, Saidapet Taluk, Chengalpet District under innocent purchaser category in terms of G.O.Ms.No.649, Revenue dated 29.07.1998 and G.O.(Ms).No.565, Revenue Department, dated 26.09.2008.

For Petitioners : Mr.G.Sankaran

Senior Counsel

(in all W.Ps.)

For Respondents : Mr.A.Selvendran

Special Government Pleader

(in all W.Ps.)

ORDER

By this common order all the three Writ Petitions are being disposed of.

2. The details of the Respective Writ Petitions challenging the respective Impugned Orders are as under:-

Sl.No.	W.P.No.	Impugned Letter No.	Impugned Letter dated
1.	16571 of 2024	Oo.Mu.No.467/2021/A	12.08.2021
2.	16705 of 2024	Oo.Mu.No.468/2021/A	12.08.2021



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Sl.No.	W.P.No.	Impugned Letter No.	Impugned Letter dated
3.	16711 of 2024	Na.Ka.No.E2/10809/2022	22.06.2023

3. It is the case of the Petitioners that they are the owners of the property bearing Plot No.1 and 2 in shantha Nagar comprised in Punjai Survey No.385/1 (part) of No.173 Selaiyur Village, Saidapet Taluk, Chengalpet District, measuring an extent of 5310 sq.ft. and 3600 sq.ft. respectively.

4. The property originally belonged to one A.K.Umayal Atchi. Thereafter, the said A.K.Umayal Atchi, appointed a power agent who transferred Plot No.1 in favour of T.Lavanya, the 3rd Petitioner herein and Plot No.2 in favour of T.Lalitha, the mother of the Petitioners herein.

5. When the property was transferred in the name of said T.Lavanya namely the 3rd Petitioner herein, she was only 5 years old. The Tamil Nadu Urban Land (Ceiling and Regulation) was enacted in the year 1978 and the Petitioners lands were acquired without informing the prior owners and the Petitioners were also totally unaware about the same.



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6. In the year 2012, the Petitioners mother namely T.Lalitha has settled the property in favour of her husband S.Theagarajan / the father of the Petitioners herein. Meanwhile, the 3rd Petitioner has also settled her share of property in the name of her father namely S.Theagarajan, since the 3rd Petitioner was residing in abroad.

7. The Tamil Nadu Urban Land (Ceiling and Regulation), 1978 was also repealed with effect from 16.06.1999 by Act 20 of 1999. The Petitioner would submit that G.O.Ms.No.565 Revenue Department dated 26.09.2008 was issued by the 1st Respondent containing guidelines for innocent purchasers under the Tamil Nadu Urban Land Ceiling Act, 1978. The Petitioners were unaware about this guidelines as they were living abroad. Thereafter, the Petitioners had submitted an application for regularization of the property in punjai Survey No.385/1 (part) of No.173 Selaiyur Village, Saidapet, Taluk, Chengalpet District measuring an extent of 5310 sq.ft.



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8. Though an enquiry was called for, the same was not concluded which constrained the Petitioners to give yet another representation on 10.03.2022. By the Impugned Order the Petitioners application for regularization was rejected.

9. The said S.Theagarajan, father of the Petitioners herein had executed a Will bequeathing the property on the petitioners herein. The said S.Theagarajan passed on 17.05.2021 and his wife T.Lalitha, the mother of the Petitioners herein passed away on 15.02.2022.

10. The learned counsel for the Petitioners would submit that the Petitioners had applied for regularization to the 3rd Respondent who had recommended the same to the 2nd Respondent vide Order dated 28.05.2023 and the same was rejected on the ground that the Petitioners had obtained the property through a Will and therefore, was not entitled the benefit of G.O.(Ms).No.565 Revenue Department dated 26.09.2008. Challenging the



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same, the petitioners are before this Court.

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11. Heard the learned counsel on either side.

12. The very premise on which the Petitioners application is rejected displays the non-application of mind on the part of the Petitioners. The said properties were transferred to the 3rd Petitioner and the mother of the Petitioner from one A.K.Umayal Atchi and they were totally unaware of the Tamil Nadu Urban Land (Ceiling and Regulation) proceedings and therefore, they seek umbrage as an innocent purchasers under the said G.O.(Ms).No.565 Revenue Department dated 26.09.2008.

13. It is further brought to the notice of this Court that in G.O.(Ms).No.63 Revenue and Disaster Management [ULC-I(2)] Department dated 27.01.2020, the Government had examined the proposals submitted by the Principal Secretary / Commissioner of Urban Land Ceiling and Urban Land Tax and had passed an Order that all the transactions done through registered deed by the innocent purchasers and the original land owner where



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the land was acquired under the erstwhile Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 through Settlement Deed, Partition Deed, Gift Deed, Release Deed, Exchange Deed etc. could be considered for regularization under the Innocent Purchasers Scheme, subject to the criterion that a sale should have been effected before the land is settled in favour of any person for valuable consideration or gifted or released or partitioned or settled in favour of any person for valuable consideration or gifted or released or partitioned or Settled or Exchanged to the present petitioner through a valid registered deed and petition received from the Innocent Purchasers be entertained after scrutiny and verification of the genuineness of the transaction.

14. Since, the 3rd Petitioner and the mother of the Petitioner have purchased the property as early as on 05.09.1987, the provisions of G.O.(Ms).No.63 Revenue and Disaster Management [ULC-I(2)] Department dated 27.01.2020 would apply. Therefore, the respective Impugned Orders challenging the respective Writ Petitions are set aside and the Respondents are directed to regularize the land in the name of the Petitioners herein and pass appropriate orders on merits and in accordance with law within a period



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of six (6) weeks from the date of receipt of a copy of this Order.

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15. These Writ Petitions are allowed in terms of the above observations and directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
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P.T.ASHA, J.

rgm

To

1. The Principal Secretary to the Government,
The Government of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai – 600 009.
2. The Principal Secretary/The Special Commissioner/
Director of Urban Land Ceiling and Urban Land Tax,
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