IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **10.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.18213 of 2024

S.Ranjitha .. Petitioner

Versus

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Fort St. George, Chennai – 600 009.

2. The Commissioner of Uban Land Ceiling,
Commissioner for Urban land Ceiling & Urban Land Tax,
Chepauk, Chennai – 600 005.

3. The Assistant Commissioner, Urban Land Tax, Alandur,
No.153, Karuneegar Street, Adambakkam, Chennai – 600 088.

4. The Tahsildar, Sholinganallur Taluk Office,
No.1, First Cross Street, New Kumaran Nagar,
Sholinganallur, Kancheepuram – 600 119. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to order bearing Mu.Mu.No.b/326A/2024 dated 23.4.2024 issued by the third respondent and quash the same and consequently direct the fourth respondent grant patta in the name of the petitioner for the property situated at Plot No.42 Palavakkam village kandhanchavadi sanctioned as per DTP

No.79/1966 comprised in S.No.121/2A and S.No.121/2B lakshman nagar measuring an extent of 3080 sq.ft.

For Petitioner : Mr.Aishwarya S.Nathan

For Respondents : Mr.P.Anandhakumar
Government Advocate

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned order bearing Mu.Mu.No.b/326A/2024 dated 23.4.2024 issued by the third respondent and consequently direct the fourth respondent to grant patta in the name of the petitioner for the property situated at Plot No.42 Palavakkam Village kandhanchavadi sanctioned as per DTP No.79/1966 comprised in S.No.121/2A and S.No.121/2B Lakshman Nagar measuring an extent of 3080 sq.ft.

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

4. The case of the petitioner is that the subject property has been acquired by the petitioner by way of settlement deed executed by her mother. The property originally belonged to one Jayaraman and he sold the same to one C.Narayanasamy vide sale deed dated 12.10.1998. The said Narayanasamy exchanged this land with his brother Mr.C.Krishnamoorthy, who is the father of the petitioner, for valid consideration on 17.09.1999. The petitioner is the daughter of the said Krishnamoorthy. While so, the petitioner came to know that the land ceiling proceeding has been initiated as against the property. Therefore, petitioner submitted an application under the Innocent Buyer Scheme on 09.03.2024 seeking regularization citing various G.O.Ms.Nos.649 Revenue Department dated 29.07.1998 read with G.O.Ms.No.565 Revenue Department dated 26.09.2008 and G.O.Ms.No.63 Revenue and Disaster Management Dpartment [ULC-1[2]] dated 27.01.2020. The impugned Order came to be passed since the land of the petitioner had been acquired the land on 10.12.2014 and the cut off date is only up to 26.09.2008. Challenging the same, the present writ petition has been filed.

5. As per the G.O.Ms.No.63 dated 27.01.2020, the Government passed an Order extending the benefits to the land owners acquired from the innocent

purchasers. As per the said Government Order, the said benefit will extend to the petitioner also. It is relevant to extract the relevant portion of the said Government Order which reads as follows :

> "6. In view of the above position, the Principal Secretary / Commissioner of Urband Land Ceiling and Urban Land Tax has sought for certain clarifications and Buyer and not the original land owner where land was acquired under Urband Land Ceiling Act, [i.e.,] Settlement Deed, Partition Deed, Gift Deed, Release Deed, Exchange Deed, etc., can be considered for the regularization under the scheme, subject to the criterion that a sale should have been effected before the land is settled or gifted or released or partitioned, to the present petition, through a valid registered deed and petition from the petitioners may be entertained after scrutiny and verification of the genuineness of the transaction.
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> 7. In the letter 6th read above, the Additional Advocate General – VI of Tamil Nadu has opined as follows :
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> "If the urban land owner executes a Deed or Settlement, Gift or partition and transfers the title to the

property to any of his family members, the beneficiary under the document cannot be considered as an innocent purchaser, If the erstwhile Urban Land Owner has executed a conveyance in favour of any person, for valuable consideration, the said purchaser would derive the benefit of innocent purchase subject to he/she fulfilling the other conditions that are stipulated in G.O.[Ms.] No.649 Revenue [ULCI[2] Department, dated 29.07.1998 and as superseded by G.O.[Ms.] No.565, Revenue Department, dated 26.09.2008 and provided his sale is on or before 26.09.2008.

8. The Government have examined the proposal of the Principal Secretary / Commissioner of Urband Land Ceiling and Urban Land Tax in consultation with the Advisory Departments along with the opinion of the Additional Advocate General – VI of Tamil Nadu and decided to accept the proposal. Accordingly, the Government direct that all the transactions done through registered deed by the Innocent Buyer and not the original land owner where the land was acquired under the erstwhile Tamil Nadu Urban Land [Ceiling and Regulation] Act 1978 [Tamil Nadu Act

> No.24 of 1978] [i.e.,] through Settlement Deed, Partition Deed, Gift Deed, Release Deed, Exchange Deed, etc., can be considered for the 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 or Exchanged to the present petition through a valid registered deed and petition received from the Innocent Purchasers be entertained after scrutiny and verification of the genuineness of the transaction."

5. The above Government Order makes it clear that when the land owner has executed a sale deed in favour of the party for valuable consideration and if the said purchase would come within the cut off date as mentioned in the above Government Order, such purchaser will be considered as an innocent purchaser. Admittedly, the petitioner had purchased the property on 17.09.1999, the subject property was purchased on 12.10.1998, which is prior to the cut off date mentioned in G.O.Ms.No.63 dated 27.01.2020. In such view of the matter, G.O.Ms.No.63 dated 27.01.2020 will apply to the petitioner and he is entitled to get benefit under the innocent

purchaser scheme.

Accordingly, this Writ Petition is allowed and the impugned Order dated 23.04.2024 passed by the third respondent stands quashed and let the authorities consider the Government Order [Ms] No.63, dated 27.01.2020 and pass an Order on merits within a period of two months from the date of receipt of a copy of this Order. No costs.

10.07.2024

vrc

Index :Yes/No
Internet :Yes/No
Neutral Citation : Yes/No

To,

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   Revenue and Disaster Management Department,
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N. SATHISH KUMAR, J.

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