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W.P.No.20588 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2024

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

**W.P.No.20588 of 2019 and
W.M.P.No.5558 of 2022**

K.Ragunathan (died)

2. Prema Ragunathan

3. Anusha Ragunathan

4. Sriram Ragunathan

(P2 to P4 substituted as LR's of the deceased sole petitioner
vide order dated 05.08.2021 in W.M.P.No.9379/2021 in
W.P.No.20588/2019)

... Petitioners

Versus

1. The Assistant Commissioner
Urban Land Tax,
No.153, Karunakar Street,
Adambakkam, Chennai – 600 059.

2. The Special Tahsildar
Taluk Office Building
1st Floor, GST Road,
Tambaram, Chennai – 600 045.
...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Certiorarified Mandamus to call for the



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records connected with the letter issued by the first respondent in Na.Ka.No.752/2017/B dated 11.02.2009 and quash the same and consequently direct the second respondent to issue patta as sought for by the petitioner.

For Petitioners : M/s.Ananda Gomathy

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader

ORDER

This writ petition has been filed seeking to quash the proceedings of the first respondent in Na.Ka.No.752/2017/B dated 11.02.2009 and direction to the second respondent to issue patta as sought for by the petitioner.

2 According to learned counsel appearing for the petitioner, when the petitioner approached the respondent for patta, he was informed that the land was covered under the acquisition proceedings and the urban land owner himself surrendered possession of the land and the same was allotted to the Tamil Nadu Police Housing Corporation and passed the impugned order rejecting the request of the petitioner, against which, present writ petition has been filed.



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Learned counsel for the petitioner would submit that the petitioner purchased the land situated at R.S.No.130/28/5/2 in 173, Selaiyur Village, Tambaram vide registered sale deed dated 21.01.1976 registered as Document No.153 of 1976 and thereafter he constructed a residential building in the said property and when he approached for patta and the same was rejected on the ground that the land is covered under the Tamilnadu Urban Land (Ceiling and Regulation) Act, 1978 (in short 'the Act'). Thereafter the petitioner applied for regularisation of his purchase under the innocent buyers category, but the same was rejected by the first respondent stating that the lands were allotted to Tamil Nadu Police Housing Corporation.

3.1 Learned counsel would further submit that even though the petitioner purchased the property in the year 1976, no notice was served on him and no opportunity was given. The petitioner purchased the property prior to the Act came into force and hence the same would not be applicable to the petitioner's case. Further possession was not taken and the petitioners are in possession of the property. The first respondent without considering the above facts rejected the petitioner's application, which is liable to be quashed.



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4 Learned Additional Government Pleader for the respondents would

submit that the original urban land owner filed returns under Section 6(1) of the Act and he surrendered the excess land in S.N.130/2A/52 and the land was allotted to Tamil Nadu Police Housing Corporation vide G.O.Ms.No.1466, Revenue Department dated 26.08.1982. The petitioner filed application on 06.11.2017 for regularization of his purchase under the innocent buyers category. As per the inspection notes of the Sub Inspector of Survey of the office of the first respondent, out of total extent of 4805 sq.ft. of lands purchased by the petitioner only 721 sq.ft. falls under the provisions of the Act. The first respondent informed the same to the petitioner vide letter dated 06.11.2017. Therefore the petitioner is not eligible to get benefits under the innocent buyers category.

5 Heard the learned counsel on either side and perused the materials.

6 It is seen in the counter filed by the first respondent that out of total extent of 4805 sq.ft. of lands purchased by the petitioner only 721 sq.ft. falls under the provisions of the Act and the urban land owner surrendered the possession of the land.



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7 It is the grievance of the petitioner that the respondent refused to

issue patta for the total extent of the lands purchased by the petitioner. It is admitted by the respondent as per the counter that only 721 sq.ft was acquired and hence the petitioner is entitled to get patta for the remaining land.

8 In view of the above facts, the second respondent is directed to consider the case of the petitioner by conducting enquiry and pass orders afresh on merits and in accordance with law, if the land is not covered under any other acquisition proceedings.

9 With the above directions, the writ petition shall stand disposed of. The miscellaneous petition seeking to implead the Tamil Nadu Housing Corporation Ltd., Chennai, as third respondent in this writ petition is closed, since this Court has not made any adverse order against the beneficiary i.e. Tamil Nadu Housing Corporation Ltd. No costs.

11.03.2024

Index: Yes/No
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To



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P.VELMURUGAN, J.,

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