



W.P.No.25182 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.25182 of 2019

D.Valliammal

.. Petitioner

Vs

- 1.State of Tamil Nadu,
Rep. By Additional Chief Secretary to Govt.,
Revenue and Disaster Management Dept.,
Secretariat, Chennai – 9.
- 2.The Principal Secretary to Govt.,
Revenue Department,
Chennai.
- 3.The Principal Secretary,
Urban and Housing Dept.,
Chennai.
- 4.The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai.
- 5.The Commissioner,
Urban Land Ceiling & Urban Land Tax Dept.,
Ezhilagam, Chennai.
- 6.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax Dept.,
Tambaram, Chennai-88.



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7.The Tahsildar,
Tambaralum Taluk,
Kanchipuram District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorarified mandamus to call for the records of the first respondent ending with letter No.26150/ULC-I(2)/2019-4, dated 13.07.2019 and quash the same and consequently direct the respondents to regularize the purchase of the land being Plot No.42 in S.No.412/2, situate in S.No.167, Perungalathur Village, admeasuring 4.58 cents as sought vide application dated 20.04.2015.

For Petitioner : Ms.M.Nuzhath Khanam
for Mr.Nissar Ahmed N.A

For R1 to R3 & R5 to R7 : Mr.N.Naveen Kumar, GA
For R4 : Mr.G.Venkatesan, Standing counsel

ORDER

The writ petition has been filed challenging the impugned order passed by the first respondent rejecting the request of the petitioner to regularize the plot situate in No.167, Perungalathur Village, under the category of innocent purchaser.

2. The petitioner had purchased the above said land by a registered



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sale deed dated 07.06.1989 bearing Document No.2635/89. After purchase of the said property, she came to know that the land in question was already a subject matter under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (in short “the Act”). Therefore, as per G.O.Ms.No.565, Revenue Department, dated 26.09.2008, the petitioner submitted application for regularization under innocent purchase scheme. However, the said request was rejected.

3. On perusal of the counter affidavit filed by the sixth respondent and on considering the submission of the learned Government Advocate for the official respondents, it is revealed that one Mr.Chandala Veerabadhra Rao had filed a return under Section 7(1) of the Act for the land held by him in Survey No.412/2pt of Perungalathur Village. Thereafter, he appeared for enquiry on 24.09.1983 and thereby filed a statement stating that he had no objection for the proposed acquisition of 15200 sq.mtrs. of excess vacant land. Subsequently, orders were issued under Section 9(5) of the Act on 15.05.1989 declaring 15200 sq.mtrs. as excess vacant land after allowing 2000 sq.mtrs towards family entitlement. Thereby notification under Section 11(1) of the Act was also published in Tamil Nadu Government Gazette on 03.01.1990 and the



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notification under Section 11(3) of the Act was also published in Tamil Nadu Government Gazette on 21.02.1990 vesting the land with the Government with effect from 21.02.1990. Subsequently, possession was handed over to the revenue authorities on 06.08.1990 and orders under Section 12(6) of the Act were issued on 30.05.1997 fixing Rs.15,200/- as the amount payable under Section 12(6) of the Act and sent the same by registered post, but, it was returned with endorsement “no such addressee”. Thereafter, the above said excess land was allotted to the Tamil Nadu Slum Clearance Board vide G.O.Ms.No.484, Revenue Department, dated 06.11.2011, and after making necessary payment, possession also handed over to the Tamil Nadu Slum Clearance Board, as the said land is absolutely required for implementation of Tamil Nadu Housing and Habitate Development Project.

4. In view of the above, since the land in question has already been allotted to Tamil Nadu Slum Clearance Board for implementation of certain public project, this Court finds no reason to interfere with the impugned order passed by the first respondent rejecting the request of the petitioner to approve the land in question. Accordingly, the writ petition stands dismissed. No Costs. W.M.P.No.24753 of 2019 is closed.



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To

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- 2.The Principal Secretary to Govt.,
Revenue Department, Chennai.
- 3.The Principal Secretary,
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Chennai.
- 4.The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai.
- 5.The Commissioner,
Urban Land Ceiling & Urban Land Tax Dept.,
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G.K.ILANTHIRAIYAN, J.

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