IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.26949, 27105, 26970. 27399, 27052,
27328 and 27739 of 2023
and
W.M.P.Nos. 26381 and 26493 of 2023

W.P.No.26949 of 2023

1. Valli
2. Radhamani Arumugam
3. Suganya Dhanaraj
4. Kumaresan Arumugam ... Petitioners

Vs.

1. The Principal Secretary [Revenue (ULC-I(1) Department]
Secretariat, Chennai – 600 009

2. Addl. Chief Secretary/ Commissioner
(Urban Land Tax & Urban ceiling)
Chennai – 600 005

3. The Assistant Commissioner-cum-Competent Authority
(Urban Land Ceiling), Salem
Now the Assistant Commissioner
(Urban Land Tax)
District Court Campus, Old building

Coimbatore – 641 018

4. The District Collector
   Room No. 101, 1st Floor
   Collectorate, Salem – 636 001

5. The Assistant Commissioner (Urban Land Tax)
   Salem

6. The Tahsildar
   Salem (West)
   Main Road, Subramania Nagar
   Suramangalam, Salem – 636 302 ... Respondents

W.P.No.27105 of 2023

V. Kalarani ...Petitioner

vs

1. The Principal Secretary [Revenue (ULC-I(1) Department]
   Secretariat, Chennai – 600 009

2. Addl. Chief Secretary/ Commissioner
   (Urban Land Tax & Urban ceiling)
   Chennai – 600 005

3. The Assistant Commissioner-cum-Competent Authority
   (Urban Land Ceiling), Salem
   Now the Assistant Commissioner
   (Urban Land Tax)
   District Court Campus, Old building
   Coimbatore – 641 018

4. The District Collector
   Room No. 101, 1st Floor
   Collectorate, Salem – 636 001

5. The Assistant Commissioner (Urban Land Tax)
   Salem

6. The Tahsildar
   Salem (West)
   Main Road, Subramania Nagar
   Suramangalam, Salem – 636 302 ....Respondents

W.P.No.26970 of 2023

V. Srinivasan ...Petitioner

vs

1. The Principal Secretary [Revenue (ULC-I(1) Department]
   Secretariat, Chennai – 600 009

2. Addl. Chief Secretary/ Commissioner
   (Urban Land Tax & Urban ceiling)
   Chennai – 600 005

3. The Assistant Commissioner-cum-Competent Authority
   (Urban Land Ceiling), Salem
   Now the Assistant Commissioner
   (Urban Land Tax)
   District Court Campus, Old building
   Coimbatore – 641 018

4. The District Collector
   Room No. 101, 1st Floor
   Collectorate, Salem – 636 001

5. The Assistant Commissioner (Urban Land Tax)
   Salem

6. The Tahsildar
   Salem (West)
   Main Road, Subramania Nagar
   Suramangalam, Salem – 636 302 ....Respondents

W.P.No.27399 of 2023

Ganesan ...Petitioner
Rep by its Power of Attorney Agent
Mr.S.Durairaj

vs

1. The Principal Secretary [Revenue (ULC-I(1) Department]
   Secretariat, Chennai – 600 009

2. Addl. Chief Secretary/ Commissioner
   (Urban Land Tax & Urban ceiling)
   Chennai – 600 005

3. The Assistant Commissioner-cum-Competent Authority
   (Urban Land Ceiling), Salem
   Now the Assistant Commissioner
   (Urban Land Tax)
   District Court Campus, Old building
   Coimbatore – 641 018

4. The District Collector
Room No. 101, 1st Floor
Collectorate, Salem – 636 001

5. The Assistant Commissioner (Urban Land Tax)
Salem

6. The Tahsildar
Salem (West)
Main Road, Subramania Nagar
Suramangalam, Salem – 636 302 ....Respondents

W.P.No.27052 of 2023

1. K. Parimala
2. P.Gomathi ...Petitioners

vs

1. The Principal Secretary [Revenue (ULC-I(1) Department]
Secretariat, Chennai – 600 009

2. Addl. Chief Secretary/ Commissioner
(Urban Land Tax & Urban ceiling)
Chennai – 600 005

3. The Assistant Commissioner-cum-Competent Authority
(Urban Land Ceiling), Salem
Now the Assistant Commissioner
(Urban Land Tax)
District Court Campus, Old building
Coimbatore – 641 018

4. The District Collector
   Room No. 101, 1st Floor
   Collectorate, Salem – 636 001

5. The Assistant Commissioner (Urban Land Tax)
   Salem

6. The Tahsildar
   Salem (West)
   Main Road, Subramania Nagar
   Suramangalam, Salem – 636 302 ....Respondents

W.P.No.27328 of 2023

G. Murugan ...Petitioner

vs

1. The Principal Secretary [Revenue (ULC-I(1) Department]
   Secretariat, Chennai – 600 009

2. Addl. Chief Secretary/ Commissioner
   (Urban Land Tax & Urban ceiling)
   Chennai – 600 005

3. The Assistant Commissioner-cum-Competent Authority
   (Urban Land Ceiling), Salem
   Now the Assistant Commissioner
   (Urban Land Tax)
   District Court Campus, Old building
   Coimbatore – 641 018

4. The District Collector
   Room No. 101, 1st Floor
   Collectorate, Salem – 636 001

5. The Assistant Commissioner (Urban Land Tax)
   Salem

6. The Tahsildar
   Salem (West)
   Main Road, Subramania Nagar
   Suramangalam, Salem – 636 302 ....Respondents

W.P.No.27739 of 2023

V. Sakthivel ...Petitioner

vs

1. The Principal Secretary [Revenue (ULC-I(1) Dpartment]
   Secretariat, Chennai – 600 009

2. Addl. Chief Secretary/ Commissioner
   (Urban Land Tax & Urban ceiling)
   Chennai – 600 005

3. The Assistant Commissioner-cum-Competent Authority
   (Urban Land Ceiling), Salem
   Now the Assistant Commissioner
   (Urban Land Tax)
   District Court Campus, Old building
   Coimbatore – 641 018

4. The District Collector
   Room No. 101, 1st Floor
   Collectorate, Salem – 636 001

5. The Assistant Commissioner (Urban Land Tax)
   Salem

6. The Tahsildar
   Salem (West)
   Main Road, Subramania Nagar
   Suramangalam, Salem – 636 302 ....Respondents

Prayer in W.P.No.26949 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 3, 4, 5 & 6 to comply with all the necessary steps for issuance of joint patta in favour of all the petitioners by applying the orders in G.O.(Ms) No.412 Revenue and Disaster Management [ULC-I(1)] Department dated 01.09.2022 to the petitioners also and on the basis of the 1st petitioner's consequent representation dated 25.12.2022 within the time-frame.

Prayer in W.P.No.27105 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2, 3, 4, & 6 to comply with all the necessary steps for issuance of patta in favour of the petitioner as per orders in G.O.(Ms) No.412 Revenue and Disaster Management [ULC-

I(1)] Department dated 01.09.2022 which is applicable to the petitioner also and on the basis of the petitioner's consequent representation dated 25.12.2022 within the time-frame

Prayer in W.P.No.26970 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 3, 4, 5 & 6 to comply with all the necessary steps for issuance of patta in my favour as per the orders in G.O.(Ms) No.412 Revenue and Disaster Management [ULC-I(1)] Department dated 01.09.2022 which is applicable to me also and on the basis of the petitioner's consequent representation dated 25.12.2022 within the time-frame

Prayer in W.P.No.27399 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 3, 4, & 6 to comply with all the necessary steps for issuance of patta in favour of the petitioner by applying the G.O.(Ms) No.412 Revenue and Disaster Management [ULC-I(1)] Department dated 01.09.2022 for the petitioner also and on the basis of the consequent representation dated 25.12.2022 made by the petitioner, within the time-frame.

Prayer in W.P.No.27052 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2, 3, 4, & 6 to comply with all the necessary steps for issuance of patta in our favour based on our representation dated 01.03.2023 and as per the orders in G.O.(Ms) No.412 Revenue and Disaster Management [ULC-I(1)] Department dated 01.09.2022 which is applicable to us also, within the time-frame.

Prayer in W.P.No.27328 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2, 3, 4, & 6 to comply with all the necessary steps for issuance of patta in favour of the petitioner as per orders in G.O.(Ms) No.412 Revenue and Disaster Management [ULC-I(1)] Department dated 01.09.2022 which is applicable to the petitioner also and on the basis of the petitioner's consequent representation dated 25.12.2022 within the time-frame.

Prayer in W.P.No.27739 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2, 3, 4, & 6 to comply with all the necessary steps for issuance of patta in favour of the petitioner as per orders in G.O.(Ms) No.412 Revenue and Disaster Management [ULC-

I(1)] Department dated 01.09.2022 which is applicable to the petitioner also and on the basis of the petitioner's consequent representation dated 25.12.2022 within the time-frame.

* * *

For Petitioners	:	Mr.D. Shivakumaran (in all cases)
For Respondents	:	Mr.A.Selvendran Additional Government Pleader (in all cases)

COMMON ORDER

It is the case of the respective petitioners in all writ petitions that they have purchased different extents of lands in Survey numbers as set out herein below:

Writ Petition No.	*Property Descrption*
W.P.No.27105 of 2023	4670 sq.ft and 4636 ½ sq/ft in Survey No.157/1, out of 2.59 acres in larger extent of 5.51 acres.
W.P.No.26970 of 2023	1553 ¾ sq.ft in Survey No.157/1 out of 0.37 acres in larger extent of 5.51 acres.
W.P.No.27399 of 2023	2100 sq.ft in Survey No.157/1 out of 0.26 acres in larger extent of 5.51 acres.
W.P.No.27052 of 2023	1540 sq.ft in Survey No.157/1 out of 2.59 acres in larger extent of 5.51 acres
W.P.No.27328 of 2023	1578 ½ sq/ft in Survey No.157/1 out of 0.39 acres in larger extent of 5.51 acres

Writ Petition No.	***Property Descrption***
W.P.No.27739 of 2023	3104 sq.ft. in Survey No.157/1 larger extent of 5.51 acres in Survey No.157/1.

2. The petitioners would submit that when they had attempted to put up a consturction in the said lands, the Tahsildar, Salem West and his men prevented them from doing so. They had acted so on the basis of an order passed by the Assistant Commissioner-cum-Competent Authority under Section 9(5) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (hereinafter called "the Act") by proceedings dated 28.02.1994 wherein he had declared an extent of 19,306 sq.metres out of a larger extent of 22,306 sq.metres in Survey No.157/1, Sivadhapuram Village, as excess land beyond the entitlement of the owners, Kandasamy Gounder, S/o.Karuppanna Gounder and Perumal, S/o.Sengoda Gounder.

3. The grievance of the petitioners is that they had not been put on notice about the aforesaid proceedings and that many of them were in actual possession of various extent of lands which have been declared as excess vacant land under the Act. Some of the land owners had approached the Tamil Nadu Land Reforms Special Appellate Tribunal to quash the order of the Assistant Commissioner. On abolition of the Tribunal, the cases were transferred to the file of this Court and re-numbered as Writ Petitions, namely, W.P.Nos.8610, 8611 and 8612 of 2004. A common order was passed in these writ petitons on 28.02.1994 in and by which, the order under Section 9(5) of the Act was quashed. The respondents had not challenged the said writ petitions by filing any counter. The petitioners came to learn about this order later and also that the respondents had not preferred any appeal against the said order.

4. The petitioners would submit that the respective owners had sent applications dated 17.10.2016 to the Tahsildar, Salem West informing about him about the order quashing the proceedings under Section 9(5) of the Act. They also sought restoration of patta in their respective names by paying necesary charges. However, the respondents had not passed any orders, thereby constraining the petitioners to approach this Court by way of writ petitions in W.P.No.18209 of 2017 etc. By order dated 11.12.2019, this Court was pleased to allow these writ petitions and the 3rd respondent herien was directed to consider and dispose of the application within a period of 10 days from the date of the receipt of the order so as to enable the Tahsildar to restore the patta / grant patta in the name of the petitioners. However, when the parties had appeared before the 3rd respondent, they were asked to fill up a printed form titled "Requisition for the Regularization of the purchase of the land under innocent buyers category". The petitioners would submit that this form was handed

over along with a detailed representation stating that the petitioners would not come under the category of purchasers of land since the order dated 28.02.1994 under Section 9(5) of the Act had been quashed. Therefore, the lands would regain their character as patta lands. The petitioners would submit that they would fall under the category of "regularization of unapproved sites".

5. The petitioners came to learn that in another set of writ petitions, namely, W.P.Nos.18377 and 18214 of 2017, the petitioners therein had sought a mandamus to consider the applications for restoration of patta which were taken up along with the petitioners' writ petitions. The 2nd respondent, after examining their cases, had issued orders for releasing their lands from the clutches of provisions of the Act. The Additional Chief Secretary / Commisisoner of Urban Land Ceiling and Urban Land Tax was directed to issue patta in favour of the petitioners. Therefore, quoting the above, the petitioners have filed

these writ petitions.

6. Heard the learned counsels on either side and perused the materials available on record.

7. Similarly placed writ petitioners had been granted patta in G.O.(Ms)No.412 [Revenue and Disaster Management[ULC-I(1)] Department, dated 01.09.2022. The Government had examined their representations on the basis of the orders passed by this Court. The Additional Chief Secretary / Commissioner of Urban Land Ceiling and Urban Land Tax had decided to comply with the orders of this Court. Therefore, considering the fact that similarly placed persons have had the benefit of G.O.Ms.No.412, this Court is of the opinion that the petitioners herein shall also be accorded the same consideration as in the case of W.P.Nos.18377 and 18214 of 2017. Accordingly, these

writ petitions are allowed as prayed for. The patta shall be granted within a period of 3 months from the date of receipt of a copy of the order. No costs.

13.11.2024

Index : Yes/No
Internet : Yes

srn

To,

1. The Principal Secretary [Revenue (ULC-I(1) Department]
   Secretariat, Chennai – 600 009

2. The Additional Chief Secretary/ Commissioner
   (Urban Land Tax & Urban ceiling)
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3. The Assistant Commissioner-cum-Competent Authority
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P.T.ASHA, J.

srn

W.P.No.26949, 27105, 26970. 27399, 27052, 27328 and 27739 of 2023

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