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W.P.No.33699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33699 of 2024

Mr.C.Palani

... Petitioner

Vs.

- 1.The State Of Tamilnadu
Rep. by Principal Secretary to Government,
Revenue Department, Secretariat, Chennai-600 009
- 2.The Secretary
Housing and Urban Department,
Secretariat, Chennai-600 009
- 3.The Managing Director
Tamilnadu Slum Clearance Board,
Kamarajar Salai, Chennai-600 005
- 4.The Commissioner
Urban Land Ceiling And Urban Land Tax Department,
Ezhilagam Chepauk, Chennai-600 005
- 5.The Assistant Commissioner
Urban Land Ceiling And Urban Land Tax Department,
Adambakkam Chennai-600 088
- 6.The Tahsildar
Tambaram Taluk, Kancheepuram District.

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to consider the representation given by the petitioner dated 21.3.2024 and 12.6.2024 and to regularize the plot Nos.29 and 30 under the category of innocent buyer as per G.O.Ms.No.565 dated 26.9.2008 within a time to be fixed by this Honourable court.

For Petitioner : M/s.L.Arjunan

For Respondents : M/s.S.Jayachandran, GA
for R.1, R.2 and R.4 to R.6.

ORDER

The Writ petition is filed to direct the respondents to consider the representation given by the petitioner dated 21.3.2024 and 12.6.2024 and to regularize the plot Nos.29 and 30 under the category of innocent buyer as per G.O.Ms.No.565 dated 26.9.2008.

2. The petitioner would submit that her mother, C.Jagathambal had purchased the vacant plot, bearing nos.29 and 30 in S.No.412/2 (part) of Perungalathur Village, Saidapet Taluk, Chengalpattu District measuring an extent of 9.69 cents from Mr.Chandalada Veera Bhadra Rao represented by



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his power agent Mr.M.Govindaraj, under a registered sale deed dated 21.08.1989. From the date of purchase, the petitioner's mother has been in possession and enjoyment of the above property. She had died intestate on 08.05.1998, leaving behind her legal heirs who consist of the petitioner Mr.C.Janagiraman(son), C.Suseela (Daughter) and Mr.C.Sundaravadivelu (Son). The petitioner's father Chinnappa had predeceased her mother on 13.04.1971. As the petitioner and his siblings are the only surviving legal heirs, they got the absolute right over the subject property.

3. Thereafter, the petitioner came to learn that this property comes under the Urban Land Ceiling Limit. Therefore, the petitioner had submitted an application for regularisation of land with all attended documents before the 5th respondent. The same was numbered as file no.A1043/2020 dated 27.11.2020. Thereafter, the petitioner had submitted an application for survey the said property on 21.12.2020 before the Assistant Director Land Survey Record Department, Kancheepuram. The Tahsildar who had conducted the enquiry indicated that plot Nos. 29 and 30 presently come under the Nanjai Government Land (ULC). The petitioner also came to learn that under GO.Ms.565 dated 26.09.2008



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(Revenue Department) the Government had introduced a scheme wherein the Government had brought about certain proposals to protect the innocent buyers who have purchased their properties falling under the Urban Land Ceiling unknowingly and to regularize such lands by receiving certain payments as prescribed. In the light of the above Government Order, the petitioner has submitted a representation dated 21.03.2024 followed by a reminder dated 12.06.2024. Since the same has not been considered to date, the petitioner is before this Court.

4. Heard the counsels on either side.

5. Considering the limited request and taking note of the fact that the authority for holding the petitioner to be an innocent buyer is vested with the Government, a Mandamus is issued to the appropriate authority from amongst the respondents to consider the petitioner's representation dated 21.03.2024 followed by the reminder dated 12.06.2024 and pass orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this Order.



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6. With the above observations, the Writ Petition is allowed. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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P.T. ASHA. J.,

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