



WEB COPY



WP.No.34329 of 2024

In the High Court of Judicature at Madras

Dated : 25.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34329 of 2024

N.Vellingiri

Vs

...Petitioner

- 1.State rep.by the Secretary to
Government, Revenue &
Disaster Management
Department, ULC[1(2)] Wing,
Secretariat, Chennai-9.
- 2.The Special Commissioner &
Commissioner (Urban Land
Ceiling & Urban Land Tax),
Commissionerate of Urban
Land Ceiling & Urban Land Tax,
Chepauk, Chennai-5.
- 3.The Assistant Commissioner
(Land Reforms & Urban Land Tax),
O/o the Assistant Commissioner
(Land Reforms & ULT), Coimbatore
District Collector Office,
State Bank Road, Gopalapuram,
Coimbatore-18.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the representation/requisition form given by the petitioner dated 06.2.2009 and the subsequent representations dated



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22.4.2015 and 20.5.2022 to the respondents for regularization of the purchase of land situated in Coimbatore Registration District, Singanallur Sub-Registration District, Uppilipalayam Village survey Nos.295/1A2 and 296 for an extent of 4,370 sq.ft by doc.No.289 of 1979 dated 12.2.1979 under innocent buyer category as per G.O.Ms. No.565 dated 26.9.2008 in the interest of justice.

For Petitioner : Mr.R.Amardeep
For Respondents : Mr.R.P.Murugan Raja, GA

ORDER

The writ petition has been filed seeking a direction to the respondents to consider the representations of the petitioner dated 06.2.2009, 22.4.2015 and 20.5.2022 for regularization of the purchase of land in survey Nos.295/1A2 and 296 measuring an extent 4,370 sq.ft situated at Uppilipalayam Village, Singanallur Sub-Registration District, Coimbatore Registration District vide doc.No.289 of 1979 dated 12.2.1979 registered on the file of the Sub-Registrar, Singanallur under the innocent buyer category as per G.O.Ms.No.565 dated 26.9.2008.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondents.



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3. It is the contention of the petitioner that he is a bona fide purchaser of the said property. Ever since the date of purchase, he is in possession and enjoyment of the same. He has also constructed a house in the said property. With a view to regularize his purchase, by placing reliance upon G.O.Ms.No.565 Revenue Department dated 26.9.2008, the petitioner made an application on 06.2.2009. Pursuant to that, by proceedings dated 21.1.2011, the Director of Urban Land Ceiling and Urban Land Tax, Chepauk, Chennai-5 directed the petitioner to approach the third respondent. Thereafter, since there was no progress on the said requisition, a reminder was sent on 22.4.2015 to the third respondent. Once again, the petitioner made a representation dated 20.5.2022 to the third respondent. The grievance of the petitioner is that despite submitting all the requisite documents to the authority concerned, he has not taken any steps to regularize the petitioner's purchase. Hence the writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

5. Admittedly, the Government has come forward with a proposal as set out in G.O.Ms.No.565 Revenue Department dated



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26.9.2008 wherein the Government decided to regularize the unapproved plots as per the extent of the plot on payment of charges by considering the purchase under the innocent purchasers category. The petitioner, who has been in possession and enjoyment of the said property from 1979, made several representations to the authorities concerned. Though the first application was made even in the year 2009, nothing was forthcoming.

6. Further, by proceedings dated 19.1.2011 issued by the Director of Urban Land and Urban Land Tax, the petitioner was also directed to approach the third respondent. Thereafter, the petitioner sent two representations dated 22.4.2015 and 20.5.2022 to the third respondent in this regard. As it did not evoke any response, the petitioner is before this Court.

7. In the light of the above, the writ petition is allowed and a Mandamus is issued to the third respondent to consider the latest representation of the petitioner dated 20.5.2022 to regularize his purchase in respect of the said property and pass appropriate orders thereon within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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P.T.ASHA,J

RS

To

- 1.The Secretary to Government,
Revenue & Disaster Management
Department, ULC[1(2)] Wing,
Secretariat, Chennai-9.
- 2.The Special Commissioner &
Commissioner (Urban Land
Ceiling & Urban Land Tax),
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