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W.P.No.34336 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.34336 of 2024

S.Suresh

... Petitioner

Vs.

1.The Government Of Tamil Nadu
Represented By The Secretary Department Of Revenue,
Fort St. George Chennai 600 009

2.The Special Commissioner
Urban Land Cilling And Urban Land Tax,
Urban Land Ciling Office,
Chepauk, Chennai 600 005

3.The Assistant Commissioner
Urabn Land Tax Tambaram Zone,
153 Karuneegar Street, Adambakkam,
Chennai 600 088

4.The Tahsildar
Sholinganllur Taluk, No 3 First Street,
Kumaran Nagar, Rajiv Gandhi Salai,
Sholinganallur, Chennai 600 119

5.The Sub Registrar
39, 3rd Main Road, Ram Nagar,
Rajalakshmi Nagar, Velachery,
Chennai 600 042

...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 1 to 3 to receive payments from the petitioner as per G.O. Ms.No. 565, Revenue Department dated 26.09.2008 under the innocent purchasers category for the land measuring an extent of UDS of 400 Sq.ft. out of 1847 Sq. ft in Plot No. 39 in S. No 225/5 in Ravanan Nagar, Madipakkam Village, Sholinganallur Taluk, Kancheepuram District and confirm the title and possession of the petitioners purchase under sale Deed dated 15.04.2011 (Document No 2032 / 2011, SRO Velacherry) by considering his representation dated 02.09.2024 and consequently directing the 5th respondent to register memorandum of Deposit of Title Deeds dated 18.01.2024 (presented for registration on 19.01.2024).

For Petitioner : M/s.D.Baskar

For Respondents : M/s.A.Selvendran, Spl.GP.
for R.1 to R4.
: M/s.C.Meera Arumugam, AGP,
for R5.

ORDER

The Writ petition is filed to direct the respondents 1 to 3 to receive payments from the petitioner as per G.O.Ms.No.565, Revenue Department dated 26.09.2008 under the innocent purchasers category for the land measuring an extent of UDS of 400 Sq.ft. out of 1847 Sq. ft in Plot No. 39 in S.No 225/5 in Ravanan Nagar, Madipakkam Village, Sholinganallur Taluk, Kancheepuram District and confirm the title and possession of the



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petitioner's purchase under sale Deed dated 15.04.2011 (Document No 2032 / 2011, SRO Velacherry) by considering his representation dated 02.09.2024 and consequently directing the 5th respondent to register memorandum of Deposit of Title Deeds dated 18.01.2024 (presented for registration on 19.01.2024).

2. The petitioner would submit he had entered into an agreement of sale to purchase an undivided 400 sq.ft. out of 1847 sq.ft. in S.No.225/5, Madipakkam Village, Sholinganallur Taluk, Kancheepuram District, with one A.P.Padmavathy who was represented by her General Power of Attorney Holder Mr.N.Sathyanaarayana. The petitioner's vendor had purchased the property under a registered sale deed dated 09.04.1982 and had developed four two-bedroom flats in the said premises after obtaining requisite approval from the authorities. The petitioner had entered into a construction agreement on the same day and a total sale consideration and cost of construction was fixed at a sum of Rs.23,00,000/-. For construction, the petitioner had obtained a loan of Rs.17,97,000/- from AXIS Bank and therefore the original documents were mortgaged with M/s.Axis Bank.



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3. Due to his mother's medical expenses and various personal loans, the petitioner had decided to transfer his loan account to a nationalized bank. Accordingly, the petitioner approached SBI Bank and after getting an opinion from the bank, a sum of Rs.25,00,000/- was sanctioned. The petitioner has to pay an EMI of Rs.30,000/- per month for the above loan amount. In view of the takeover of the loan by SBI, the loan with Axis Bank stood discharge and necessary receipts were also executed by the AXIS Bank.

4. However, to the petitioner's shock and surprise on 18.01.2024 when the petitioner had submitted the Memorandum of Title Deed Deposit (MODT) in favour of SBI for registration, the 5th respondent had sent a communication dated 19.01.2024 to respondents 3 and 4 to ascertain if the lands come under the Urban land Ceiling limit. The 3rd respondent vide letter dated 29.02.2024 had informed that an extent of 2000 sq.mts. in S.No.225/5 had been acquired under the Land Acquisition Act and on 14.09.1995, it was handed over to the Revenue Department. Therefore, the 5th respondent had refused to registered the document.

5. The petitioner would submit that he is a bonafide purchaser for



value and he had proceeded to purchase the property only after examining the title deeds etc; and the Bank where he had borrowed the loan had also scrutinized the documents relating to the property.

6. Thereafter, the petitioner came to learn that under GO.Ms.565 dated 26.09.2008 (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 02.09.2024. Since the same has not been considered to date, the petitioner is before this Court.

7. Heard the counsels on either side.

8. 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



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02.09.2024 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this Order.

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

22.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To



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