



WEB COPY



W.P.No.36780 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.36780 of 2024

N.Tamil Selvi

... Petitioner

Vs

1.The State of Tamilnadu
Rep.by the Secretary,
Department of Revenue Administration,
Fort St.George,
Chennai-600 009.

2.The Assistant Commissioner,
(Urban Land Tax),
Tondiarpet Zone,
4th Flor, Kuralagam,
Broadway,
Chennai-600 108.

3.The Tahsildar,
Perambur Taluk,
Perambur,
Chennai-600 011

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of



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India seeking to issue a Writ of Mandamus, to direct the 2nd respondent to regularize the petitioner's vacant site in "Gramanar Garden" measuring an extent of 3570 Sq.Ft., comprised in Plot Nos.27 and 30 pertaining to Survey No.70/5, R.S.No.70/14, Selaivayal Village, Tondiarpet Taluk, Chennai District, as per G.O.Ms.No.565 dated 26.09.2008 of Government of Tamil Nadu based on the petitioner's application dated 22.01.2020 within a time frame as fixed by this Court.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition is filed for a Mandamus, to direct the 2nd respondent to regularize the petitioner's vacant site in "Gramanar Garden" measuring an extent of 3570 Sq.Ft., comprised in Plot Nos.27 and 30 pertaining to Survey No.70/5, R.S.No.70/14, Selaivayal Village, Tondiarpet Taluk, Chennai District, as per G.O.Ms.No.565 dated 26.09.2008 of Government of Tamil Nadu based on the petitioner's



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application dated 22.01.2020 within a time frame as fixed by this Court.

2. It is the case of the petitioner that he had purchased 3570 sq.ft., bearing Plot Nos.27 and 30 comprised in S.No.70/5, R.S.No.70/14 Selaivayal Village, Tondiarpet Taluk, Chennai from P.Selvakani Ammal under the registered sale deed dated 03.11.2005. The said Selvakani Ammal had got this property under a settlement deed from her mother Rajeshwari Ammal dated 29.04.1987. From the date of purchase she is in possession and enjoyment of the same. Her vendors had been granted patta in patta No.192. When the petitioner had decided to develop and construct a house in the said plot, she came to know that under the Urban Land Ceiling proceedings the aforesaid lands are declared as surplus lands. The petitioner would submit that she is an innocent purchaser as she had purchased the property totally unaware about the urban land ceiling proceedings. She came to know about the same only when she attempted to mutate the patta. However,



it is the contention of the petitioner that possession continues with her from the date of her purchase on 02.11.2005. She made an application to the 2nd respondent to regularise her lands for the purpose of issuance of patta. On 23.01.2020, the 3rd respondent had issued a letter directing the petitioner to appear before the 2nd respondent with all documents and the same were also submitted. The petitioner would seek to sustain her claim as per G.O.Ms.No.565 dated 26.09.2008 and had requested the 2nd respondent to pass orders on the said basis. However, the respondents have not acted upon the same. Therefore, aggrieved the petitioner is before this Court.

3. Heard the learned counsels on either side.

4. Since the only request of the petitioner is to issue a mandamus to the 2nd respondent on the lines of G.O.Ms.No.565 dated 26.09.2008, and also taking into consideration the fact that the possession continues with the petitioner, this writ petition is allowed and a mandamus is



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issued to the 2nd respondent to consider the representation of the petitioner dated 22.01.2020 to regularise the petitioner's vacant site in "Gramaniam Garden", as per G.O.Ms.No.565 dated 26.09.2008, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

10.12.2024

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

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P.T.ASHA, J.,

ssn

To

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