



W.P.(MD) No.21942 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21942 of 2024

Chinnasamy

.. Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its
Principal Secretary,
Revenue and Disaster Management Department
Fort St.George,
Chennai.

2.The Special Commissioner,
Urban Land Ceiling and Urban land Tax,
Chepauk,
Chennai-600 005

3.The Director,
Urban Land Ceiling and Urban Land Tax,
Chepauk,
Chennai-600 005

4.The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
Collectorate Trichy.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to regularize the purchase of the petitioner's property to an extent of 2,460 Sq.ft at Plot No.18, Survey No.177/5, 178/6 and 178/7 presently Ward AL, Block 27, TS No.62(New Survey No.45/6 part) Prattiyr East Village, Trichy under the innocent purchaser category from the preview of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 by considering the petitioner's representation dated 15.02.2024 and the recommendation made by the 3rd respondent vide letter Na.Ka.No.EE3/5956/2021 dated 27.06.2022 to the respondents 1 and 2 within the time stipulated by this Court.

For Petitioner : Mr.I.Robert Chandra Kumar
For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

This writ petition is filed for a mandamus to direct the respondents to regularize the purchase of the petitioner's property to an extent of 2,460 Sq.ft at Plot No.18, Survey No.177/5, 178/6 and 178/7 presently Ward AL, Block 27, TS No.62(New Survey No.45/6 part) Prattiyr East



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Village, Trichy under the innocent purchaser category from the preview of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, by considering the petitioner's representation dated 15.02.2024 and the recommendation made by the 3rd respondent vide letter Na.Ka.No.EE3/5956/2021 dated 27.06.2022 to the respondents 1 and 2 within the time stipulated by this Court.

2.The petitioner would submit that the lay out in which the above property is situated had been approved by the Town and Country Planning Department, Trichy. However, the petitioner had purchased the property prior to its approval and had constructed a house and residing there from 1990. The petitioner would further submit that when he applied for patta, the said property was classified as surplus land under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. The petitioner is an innocent purchaser and several houses have been constructed in and around his properties and the owners of the lands were accepted as innocent purchaser and their purchases were regularized and patta issued in their names. This was an account of the fact that the



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Government had come forward with an G.O.No.565, dated 26.09.2008 to regularize the land for the innocent purchasers. The petitioner, on coming to know about the same, had submitted his representation to the fourth respondent on 05.02.2021. Upon his application, his land was surveyed on 09.07.2021 and found that he had constructed a house in the said land and a detailed report dated 19.07.2021 was sent by the fourth respondent to the first respondent for necessary action. Thereafter, there has been no further action. Therefore, on 15.02.2024 the petitioner submitted a representation to the respondents and after receiving the same, the third respondent informed the petitioner that on 28.06.2022 his request was forwarded to the Government and the orders from the Government were expected at any moment. However, three years have passed and no orders have been issued. Therefore, the petitioner has come forward with the present writ petition.

3.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.



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4.Taking note of the fact that several plots of the adjacent land owners were regularized and the construction of houses approved and also taking into account the detailed report sent by the fourth respondent to the first respondent as early as on 19.07.2021, a mandamus is issued directing the respondents to regularize the purchase of the petitioner's property to an extent of 2,460 Sq.ft at Plot No.18, Survey No.177/5, 178/6 and 178/7, on or before 03.10.2024, after verifying the documents.

5.With the above direction, this writ petition stands allowed. No costs.

6.For reporting compliance, post the matter on 04.10.2024.

13.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.
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To

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