**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 03.07.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**W.P. No. 11067 of 2025**
**and**
**W.M.P. No. 12480 of 2025**

1.S.H.Jaheer Hussain
2.S.H.Babjan ... Petitioners

Vs.

1.The State of Tamil Nadu
Represented by its Secretary to Government
Revenue and Disaster Management Department
ULC (1(2) Wing, Secretariat, Fort St. George
Chennai-600009.

2.The Commissioner of Land Reforms
Urban Land Ceiling and Urban Land Tax
Ezhilagam Buildings, Ground Floor
Chepauk, Chennai-600005.

3.The Director (Land Reforms)
Urban Land Ceiling and Urban Land Tax
Ezhilagam Buildings, Ground Floor
Chepauk, Chennai-600005.

4.The Assistant Commissioner
Urban Land Ceiling and Urban Land Tax
Poonamallee Zone, No.5,

Perumal Kovil Sannadhi Street
Poonamallee, Chennai-600056.

5.The Tahsildar
Poonamallee Taluk Office
Poonamallee. ... Respondents

**Prayer :** This writ petition has been filed under Article 226 of the Constitution of India, praying for issuance of writ of certiorarified Mandamus, calling for the records on the file of the third respondent relating to the impugned Letter bearing Na.Ka.No.J1/9256/2024 dated 13.12.2024 issued by the third respondent and quash the same, and consequently direct the respondents to regularize the land measuring 2176 square feet, comprised in New Survey Nos. 5/1A and 7/1A, Old Survey No. 5 and 7, situated at Goparasanallur Village, Poonamalee Taluk, Thiruvallur District under the category of "innocent purchaser" in terms of G.O.Ms. No. 565 Revenue Department dated 26.09.2008 & G.O.Ms. No. 63 Revenue Department dated 27.01.2020 and to issue Patta in the name of the petitioners considering the representation dated 20.09.2024 of the petitioners within a time frame fixed by this Court.

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|---|---|---|
| For Petitioners | : | M/s.M.B.Ramya |
| For Respondents | : | M/s.P.Sathish, AGP |

**O R D E R**

The present writ petition has been filed praying for writ of Certiorarified Mandamus challenging the impugned letter dated 13.12.2024 whereby petitioners' request to regularize the land measuring 2176 square feet, comprised in New Survey Nos. 5/1A and 7/1A, Old Survey No. 5 and

7, situated at Goparasanallur Village, Poonamalee Taluk, Thiruvallur District under the category of "innocent purchaser" in terms of G.O.Ms. No.565 Revenue Department dated 26.09.2008 & G.O.Ms. No. 63 Revenue Department dated 27.01.2020, was rejected.

2. This is the second round of litigation. The petitioner had earlier filed a writ petition in W.P. No. 24984 of 2024, whereby the writ petition was filed for quashing the letter bearing Na.Ka.No.267/2024/Ee dated 16.07.2024 and direction to regularize the lands under the Innocent Purchaser Scheme.

3. The learned counsel for the petitioners submits that the subject land was originally owned by one Sheik Haneef (father of the petitioners' herein). Petitioners' father settled the subject property in favour of the petitioners vide settlement deed dated 21.07.2017 and petitioners have since been in possession and enjoyment of the said property. The petitioners became aware of the fact that the land was subjected to proceedings under Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, only when they

approached the fifth respondent to develop the above said land. Petitioners submitted an application seeking regularization of the land under the "Innocent Purchaser Scheme" in terms of G.O.Ms.No.649, Revenue Department, dated 29.07.1998 and re-issued as G.O.Ms.No.565, Revenue Department, dated 26.09.2008. The said application of the petitioners was rejected by the 4th respondent primarily on the ground that the settlement deed in favour of petitioners was executed subsequent to the cut off date i.e., 26.09.2008 as fixed by G.O.Ms.No.565, Revenue Department, dated 26.09.2008.

4. The learned Judge observed in writ petition in W.P. No. 24984 of 2024 that though the settlement in favour of the petitioners was made by their father on 21.07.2017, the property was purchased by petitioners' father on 10.03.1987, i.e., prior to the cut off date. Thus, the petitioners' request may be considered in the light of G.O.Ms.No.63 dated 27.01.2020. Thereafter, writ petition in W.P. No. 24984 of 2024 was disposed of with a direction to the Second Respondent/Special Commissioner Urban Land Ceiling to consider the representation of the petitioners in the light of

G.O.Ms.No.63 dated 27.01.2020 and pass final orders on its own merits within a period of 12 weeks from the date of receipt of petitioners' representation.

5. At this stage, the learned Special Government Pleader submitted that the petitioners' request would also be considered in the light of the subsequent Government Order issued by the Revenue and Disaster Management(ULC-I(2))Department in G.O.Ms.No.63 dated 27.01.2020.

6. It is submitted that impugned proceedings has been passed by taking the cut-off date as 27.08.2018, wherein in terms of G.O.Ms.No.63, the cut off date for claiming the benefit under the "Innocent Purchaser Scheme" would be the date of the G.O. that is 27.01.2020. Thus, once the settlement deed is executed by the petitioners' father in favour of the petitioners in respect of the subject property on 21.07.2017, even that may be within the cut-off date.

7. The learned Additional Government Pleader appearing for the

respondents would submit that they would reconsider the petitioners' request in the light of G.O.Ms.No.63 dated 27.01.2020 and any other governing regularization under Innocent Purchaser Scheme afresh after hearing the petitioner. Therefore, the petitioners' request shall be reconsidered on its own merits keeping in view G.O.Ms.No.63 dated 27.01.2020 that has been relied upon by the petitioners. It is made clear that this Court has not expressed anything on merits.

8. This writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**03.07.2025**

Index: Yes/No
Internet: Yes/No
Speaking /Non-speaking order
*Maya*

To

1.The State of Tamil Nadu

Represented by its Secretary to Government
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Poonamallee Taluk Office
Poonamallee.

**MOHAMMED SHAFFIQ, J.**

*Maya*

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**Dated : 03.07.2025**