IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.13267 of 2025
and
W.M.P.No.14844 of 2025

S.Suresh
S/o.Subbaiah

Petitioner

Vs

1. The State of Tamil Nadu
Rep. By Its The Secretary To Government,
Department Of Revenue Administration,
ULC (1(2)) Wing, Secretariat,
Fort St. George, Chennai-600 009

2.The Special Commissioner
Commissionerate For Urban Land Ceiling
And Urban Land Tax, Chepauk,
Chennai-600 005

3.The Assistant Commissioner
(Urban Land Tax) Madhavaram Zone,
No.2, Vivek Nagar, Kolathur,
Chennai-600 099.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.E/203/2025 dated 25.02.2025 passed by the third respondent, quash the same and consequently direct the respondents herein to regularization petitioner's the vacant site in "Apollo Armstrong Nagar" measuring an extent of 2400 sq.ft., comprised in Plot No.12, bearing pertaining to survey No.45/1, Mathur Village, Madhavaram Taluk, Chennai District of under innocent purchaser scheme as per the G.O.Ms.No.565/ULC-1/Revenue Department dated 26.09.2008 within the time frame fixed by this Court.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.P.Sathish
Additional Government Pleader

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ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 25.02.2025 and for a consequential direction to the respondents to regularize the subject property in favour of the petitioner as an innocent purchaser under G.O.Ms.No.565, dated 26.09.2008.

2. Heard Mr.A.Saravanan, learned counsel for petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for respondents.

3. The case of the petitioner is that his father had purchased the subject property through a registered sale deed dated 22.03.1991 registered as document No.1031/1991. The father of the petitioner executed a settlement deed dated 08.12.2021 which was also registered as document No.10324/2021. The petitioner was in possession and enjoyment of the property. The petitioner wanted to develop this property and construct a house. However, the land was declared as surplus land under the Urban Land Ceiling Act. The specific case of the petitioner is that his father was an innocent purchaser and he was not aware of the fact that the subject property was declared as surplus lands under the Urban Land Ceiling Act.

4. The petitioner submitted an application before the third respondent seeking for issuance of patta in his favour. According to the petitioner, he will come within the requirements of G.O.Ms.No.565, dated 26.09.2008 since his father was an innocent purchaser and consequently, the petitioner satisfied the requirements under the concerned Government Order. The grievance of the petitioner is that the third respondent, through proceedings dated 25.02.2025, has rejected the

claim made by the petitioner and aggrieved by the same, the present writ petition has been filed before this Court.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. The petitioner's father along with one Vayanan had jointly purchased the subject property in the year 1991. The petitioner became entitled to the property pursuant to the release deed executed by Vayanan in favour of his father and the subsequent settlement deed executed by the father of the petitioner in favour of the petitioner in the year 2021. The claim made by the petitioner will squarely fall within Clause 6 of G.O.Ms.No.63, dated 27.01.2020. Hence, the petitioner is entitled for the benefit as an innocent purchaser under the scheme and the impugned proceedings of the third respondent is illegal and unsustainable, which requires the interference of this Court.

7. In the light of the above discussion, the impugned proceedings of the third respondent dated 25.02.2025 is hereby quashed and there shall be a direction to the third respondent to pass appropriate

orders and grant the relief to the petitioner under the Innocent Purchaser Scheme covered under G.O.Ms.No.63, dated 27.01.2020 and appropriate orders shall be passed within a period of six (6) weeks from the date of receipt of a copy of this order.

In the result, this writ petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

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2.The Special Commissioner
Commissionerate For Urban Land Ceiling And Urban Land Tax,
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N.ANAND VENKATESH, J

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