



WP.No.15 of 2025

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In the High Court of Judicature at Madras

Dated : 07.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.15 of 2025
& WMP.No.17 of 2025

B.S.Shoba Rani

Vs

...Petitioner

1.The Secretary, Revenue
Department, Government of
Tamil Nadu, Fort St.George,
Chennai-9.

2.The Commissioner, Urban
Ceiling, Ezhilagam,
Chepauk, Chennai-5.

3.The Competent Authority/
Assistant Commissioner,
Urban Ceiling, 153,
Karunigar Street,
Adambakkam, Chennai-88.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to dispose of the application of the petitioner dated 06.7.2007 in Na.Ka. No.B/772/2007 to the third respondent and representations dated 21.12.2022 and 09.9.2024 in accordance with G.O.Ms.No.649 (Revenue Department) dated 29.7.1998 and G.O.Ms.No.565 dated 26.9.2008 Government of Tamil Nadu for release of survey Nos. 134/12 and 134/13, Madipakkam Village, Sozhingnanallur Taluk, Chennai and dispose of the same on merits as per law.



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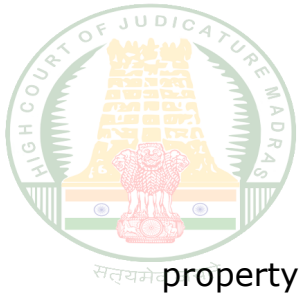
For Petitioner : Mr.P.V.Sudakar
For Respondents : Mr.A.Selvendran, SGP

ORDER

The writ petition has been filed seeking a direction to the third respondent to consider the application of the petitioner dated 06.7.2007 and to direct the respondents to consider representations of the petitioner dated 21.12.2022 and 09.9.2024 for the release of the land measuring 4,800 sq.ft in survey 134/4, Madipakkam Village, Sozhinganallur Taluk, Chennai for a valid sale consideration vide sale deed dated 30.4.1984 registered as doc.No.1432 of 1984 on the file of the Sub-Registrar, Alandur from the urban land ceiling.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. It is the contention of the petitioner that she is a bona fide purchaser of the subject property. Ever since the date of purchase, she is in possession and enjoyment of the same. At the time of purchase of the subject property, she did not have any knowledge about the acquisition of survey No.134/4 under the Tamil Nadu Land Ceiling Act. Later, S.No.134/4 was subdivided, out of which, survey Nos.134/11 to 134/22 alone came under the land ceiling. Further, the subject

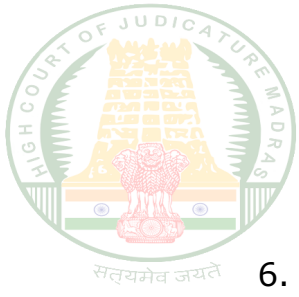


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property was subdivided into S.Nos.134/12 and 134/13. Earlier, the petitioner made an application dated 06.7.2007 to the third respondent under the innocent purchaser category for its release. Pursuant to G.O.Ms.No.565 dated 26.9.2008, the petitioner sent two representations dated 21.12.2022 and 09.9.2024 to the respondents seeking to release the subject property from urban land ceiling. However, no action has been taken on the same.

4. According to the petitioner, some fraudulent documents were created by impersonating the petitioner and a sale deed dated 18.12.2018 came to be executed. In order to safeguard the subject property, the petitioner also executed a registered settlement deed in favour of her daughter without reflecting the correct survey numbers. Further, pursuant to the complaint given by the petitioner, the fraudulent sale deed was cancelled by the wrong doers. Now, it has become necessary to release the subject property from the urban land ceiling. Hence the writ petition.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.



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6. Admittedly, the Government has come forward with a proposal as set out in G.O.Ms.No.565 Revenue Department dated 26.9.2008 wherein the Government decided to regularize the unapproved plots as per the extent of the plot on payment of charges by considering the purchase under the innocent purchasers category. The petitioner, who has been in possession and enjoyment of the said property from 1984, made several representations to the authorities concerned. Though the first application was made to the third respondent even in the year 2007, nothing was forthcoming. Subsequently, the petitioner sent two representations dated 21.12.2022 and 09.9.2024 to the respondents in this regard. As it did not evoke any response, the petitioner has come forward with this writ petition.

7. In the light of the above, the writ petition is allowed and a Mandamus is issued to the third respondent to consider the latest representation of the petitioner dated 09.9.2024 to release the subject property from urban land ceiling and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

07.1.2025



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P.T.ASHA,J

RS

To

- 1.The Secretary, Revenue
Department, Government of
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