IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 17698 of 2021

G.Vasantha
W/o. S. Ganapathi, Vasantham,
No. 11, 10th Street, Sri Devi Nagar,
Alapakkam, Porur, Chennai - 600116.

Petitioner(s)

Vs

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

2.The Special Commissioner
Commissionerate for Urban Land
Ceiling and Urban Land Tax,
Cheapauk, Chennai - 600005.

3.The Assistant Commissioner
Urban Land Ceiling and Urban Land
Tax, Poonamallee Zone, No. 5,
Sannathi Street, Poonamallee,
Chennai - 600056.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to order passed by the 3rd respondent in his Letter under Reference Number R. C.

No. 430 / 2021 dated 30.06.2021 and to quash the same and consequently directing the respondents to regularize the land stands in the name of the petitioner to an extent of 2460 Sq. ft,. bearing Plot No. 47, in S. No. 394 / 2-part in Sri Devi Nagar layout at maduravoyal Village, maduravoyal Taluk, Thiruvallur District, Chennai Urban Agglomeration, under innocent purchaser category, in terms of G. O. Ms. No. 649 Revenue Department dated 29.07.1988 and in G. O. Ms. No. 565 Revenue Department Dated 26.09.2008.

For Petitioner(s): Mr.R.Krishnaswamy

For Respondent(s): Mr.T.K.Saravanan, AGP

ORDER

This writ petition has been filed against the impugned order dated 30.06.2021 passed by the 3rd respondent.

2. The learned counsel for the petitioner would submit that in this case, the respondent had refused to regularise the subject land, under the Innocent Purchaser Scheme, on the ground that the petitioner had purchased the said land only on 07.04.2011, which is beyond the cut off date mentioned in Notification No.565 dated 26.09.2008.

3. According to the petitioner, the subject land was purchased from the excess urban land owner in the year 1983 by one Varadharajan (petitioner's vendor's vendor). Subsequently, the said land was purchased by one Prabakaran (petitioner's vendor) vide sale deed dated 10.06.2005. Thereafter, the petitioner

purchased the said land vide sale deed dated 07.04.2011. In such case, since the land was purchased from the urban land holder much prior to the cut off date, the petitioner is entitled for regularisation under Innocent Purchaser Scheme. Hence, this petition.

4. In reply, the learned Government Advocate appearing for the respondent would submit that the issue involved in this case was already dealt with by this Court in WP.No.18005 of 2025, wherein, vide order dated 31.10.2025 had set aside the refusal order passed by the respondent and held that if the land was purchased from the urban land holder prior to the cut-off date mentioned in the GO(Ms)No.565 of 2008, certainly, the petitioner, being a subsequent purchaser, can avail the benefits in terms of Innocent Purchaser Scheme. Hence, he fairly admit that the said order will squarely applicable to the present case and thus, he requests this Court to pass appropriate orders.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and also perused the entire materials available on record.

6. In the case on hand, initially, the subject land was purchased from the urban land holder in the year 1983 by one Varadharajan (petitioner's vendor's vendor). Subsequently, the said land was purchased by one Prabakaran

(petitioner's vendor) vide sale deed dated 10.06.2005. Thereafter, the petitioner purchased the said land vide sale deed dated 07.04.2011. In such case, it is clear that the subject land was purchased from the excess land holder as early as on 08.12.1983, which is much prior to the cut-off date mentioned in the Notification No.565/2008.

7. As rightly pointed out by the respondents, when a similar issue came up for hearing, this Court, in aforesaid order dated 31.10.2025 passed in WP.No.18005 of 2025, had categorically held that the date on which the land was purchased from the urban land holder has to be considered as the cut-off date for availing protection under Innocent Purchaser Scheme. The relevant portion of the order reads as follows:

> *6. In this case, initially, the petitioner's vendor had purchased the subject property from an Urban Land Holder by virtue of sale deed dated 09.04.1982. Thereafter, the petitioner had purchased the said property vide the sale deed dated 15.04.2011. Subsequently, the petitioner had filed the representations dated 16.04.2024, 23.07.2024 & 02.09.2024 for the purpose of regularization of the subject land under the "Innocent Purchaser Scheme" as per the GO.Ms.No.565 of 2008 dated 29.09.2008. However, the same was rejected by the 3rd respondent vide order dated 06.03.2025.*
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> *7. A perusal of the said impugned order would show that the main grievance of the respondents is that they are not in a position to consider the request made by the petitioner, since the subject property was acquired by the petitioner by virtue of sale deed dated 15.04.2011, which is beyond the cut-off date, prescribed under GO.Ms.No.565 of 2008. According to the respondent, as per the said GO.Ms.No.565 of 2008, a person, who had acquired the*

property on or before 29.09.2008, will be eligible to avail the benefits available under the "Innocent purchaser scheme".

8. At this juncture, it would be apposite to extract the relevant portion of GO.Ms.No.565 of 2008, which reads as follows:

"2.....

(i) to (v) ....

(vi) அரசாணை வெளியிடும் நாள் வரை சட்டம் அறியாமல ் கிரயம ் பெற்றவர்களது நிலங்கள் வரன்முறைப்படுத்தப்படும்"

9. A reading of the above clause would show that the urban land should have been purchased from an Urban Land Holder on or before the cut-off date, i.e., 29.09.2008. The said notification, being a beneficial notification, has to be interpreted in such a way as "land-centric" and not as "person-centric", since it was issued based on the date of acquisition of land. In such case, the respondent should have considered only on the aspect as to whether the land was purchased from the Urban Land Holder prior to the aforesaid cut-off date or not.

10. In the present case, ultimately, the land was purchased by the petitioner's vendor from an Urban Land Holder vide sale deed dated 09.04.1982, which is much prior to the cut-off date prescribed in GO.Ms.No.565 of 2008. If the land was purchased from the Urban Land Holder prior to the cut-off date, certainly, it will come under the eligible category to avail the benefits under the "Innocent Purchaser Scheme". In such view of the matter, the petitioner, who is holding the title of the said land, is certainly eligible to avail the benefits under the "Innocent Purchaser Scheme" and it is not proper for the respondent to arrive at a decision based on "person-centric" instead of "land-centric" while considering the petitioner's representation.

11. Therefore, if the sale was made by the Urban Land Holder to any person on or before 26.09.2008, the subject land will automatically come under the eligible criteria to avail the benefits. In such case, once if it is substantiated that the land was purchased before the aforesaid cut-off date, then it will be immaterial to consider the subsequent transactions, pertaining to the subject land.

> *12. For example, if a person purchased a land from an Urban Land Holder on or before 26.09.2008 and sold it to the subsequent purchaser, then the said subsequent purchaser will be put into the shoes of initial purchaser, who purchased the land from the Urban Land Holder. In such case, the subsequent purchaser will not lose the benefits available under the "Innocent Purchaser Scheme" as per the GO.Ms.No.565 of 2008.*
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> *13. In such view of the matter, since the subject land was purchased from the Urban Land Holder prior to the cut-off date, the petitioner, being the subsequent purchaser, is certainly entitled to avail the benefits of "Innocent Purchaser Scheme". Therefore, this Court is of the considered view that the impugned order dated 06.03.2025 is not sustainable in law and hence, the same are liable to be quashed.*
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> *14. Accordingly, the impugned order dated 06.03.2025 is quashed. While quashing the said order, this Court directs the 3rd respondent to consider the petitioner's representations dated 16.04.2024, 23.07.2024 & 02.09.2024 and pass appropriate orders to regularize the petitioner's land under the "Innocent Purchaser Scheme".*

8. A reading of the above order makes it clear that since the subject property was purchased, from the urban land holder, much prior to the cut-off date mentioned in GO(Ms)No.565 of 2008, the petitioner herein is certainly entitled for regularisation of land in terms of the Innocent Purchaser Scheme. Therefore, by following the above order, this Court is inclined to allow this petition.

9. Accordingly, this petition is allowed. The impugned refusal order dated 30.06.2021 is hereby set aside. The respondent is directed to regularise the subject land, in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order. No cost.

04-03-2026

nsa
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

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Rep by its Secretary to Government,
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KRISHNAN RAMASAMY J.

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