

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON 19/12/2014

DATED: 12/01/2016

CORAM

THE HONOURABLE **MR.JUSTICE C.S.KARNAN**

W.P.No.25636 of 2008 &
M.P.No.2 of 2014

1.Mr.S.Sethuraman (deceased)

2.Mrs.S.Geetha

3.Prabhu Sethuraman

4.Mrs.Priya Robson

5.Mrs.Prabha Subramanian ... Petitioners

(Petitioners 2 to 5 substituted as
legal representatives in the place of the
deceased petitioner (Nos.4 and 5 herein are
represented by their Power Agent Mrs.S.Geetha, P2)
vide order dated 19.12.2014 in M.P.No.3 of 2014
in W.P.No.25636 of 2008)

Vs.

1.The Principal Commissioner and
Commissioner of Land Reforms,
Chepauk, Chennai-600 005.

2.The Assistant Commissioner of
Urban Land Tax and Ceiling,
Arcot Road, Kodambakkam,
Chennai-24.

3.The Tahsildar,
Mylapore Triplicane Taluk,
Chennai-4.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Declaration or any other writ or order like nature, that the land to an extent of 1 ground 1848 sq.ft. comprised in Old R.S.No.26/1D and 24/3A4 New R.S.No.24/3A4, T.S.No.20/2, Block No.8, (Old Door No.7, Ventarathanam Street, Adayar, Chennai-20) at Pallipattu Village, Venkatrathinanagar Extension-II, Chennai, Mylapore, Triplicane Taluk belonging to the petitioners, do not attract the provision contained in Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 or Section 3(1)(a) of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act 20/1999.

(Prayer amended as per order dated 09.06.2010 in M.P.No.2 of 2008 in W.P.No.25636 of 2008)

For Petitioners : Mr.S.K.Raghul Vivek

For Respondents : Mr.M.S.Ramesh
Addl. Govt. Pleader

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ORDER

Originally, the above writ petition has been filed by Mr.S.Sethuraman, the first petitioner. Since the said Sethuraman had died, the petitioners 2 to 5 have been brought on record as legal-heirs on 19.12.2014 in M.P.No.3 of 2014 in W.P.No.25636 of 2008. Initially, the first petitioner has filed the above writ petition for a direction to forbear the respondents, their subordinates from interfering with the possession and enjoyment of the petitioner's land to an extent of 1 ground 1848 sq.ft. comprised in Old

R.S.No.26/1D and 24/3A4 New R.S.No.24/3A4, T.S.No.20/2, Block No.8, (Old Door No.7, Ventarathanam Street, Adayar, Chennai-20) at Pallipattu Village, Venkatrathinanagar Extension-II, Chennai, Mylapore, Triplicane Taluk in the light of the provisions contained in Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act 20/1999. Thereafter, the first petitioner has filed an amendment petition to amend the prayer in the above writ petition for a declaration or any other writ or order like nature, that the land to an extent of 1 ground 1848 sq.ft. comprised in Old R.S.No.26/1D and 24/3A4 New R.S.No.24/3A4, T.S.No.20/2, Block No.8, (Old Door No.7, Ventarathanam Street, Adayar, Chennai-20) at Pallipattu Village, Venkatrathinanagar Extension-II, Chennai, Mylapore, Triplicane Taluk belonging to the petitioner, do not attract the provision contained in Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 or Section 3(1)(a) of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act 20/1999 and the same was ordered by this Court on 09.06.2010 in M.P.No.2 of 2008 in W.P.No.25636 of 2008.

2. The short facts of the case are as follows:-

The petitioners have submitted that the property bearing Plot No.20, Lay Out No.128/4, Old R.S.No.26/1B and 24/3A4 and now in R.S.No.243/A in T.S.No.20/2 in Block No.8, at Pallipattu Village, Adayar, Chennai-20, originally belonged to one R.Munusamy Chettiar and others. The said R.Munusamy Chettiar and others through their Power of Attorney Agent

Mrs.S.Indrani under the registered deed of Power of Attorney dated 26.11.1979 and registered as Document No.191/79, at the Office of the Sub Registrar, Saidapet, sold the said property to the first petitioner under the registered deed of sale dated 28.01.1980 and registered as Document No.163/80 at the Office of the Joint Sub-Registrar-Ii, Saidapet, Chennai-15. The petitioners have further submitted that the said property was purchased by the first petitioner on due verification of title deeds and records. In fact, patta in respect of the said property also stood in the name of the said vendors viz., R.Munusamy Chettiar and others. In fact, the first petitioner has been in absolute possession and enjoyment of the said property. At this juncture, it is to be pointed out that the predecessors in title to the said property viz., Munusamy Chettiar and others had already obtained necessary orders from the Competent Authority, Urban Land Ceiling, Saidapet in K.Dis.A3-21/PPT/79 in and by which the aforesaid property was exempted from the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation Act) which was in force by that time. Moreover, the first petitioner had put up an additional construction over the said property by obtaining necessary planning permission from the Corporation of Chennai in PPA No.7038/96, dated 10.01.1997. The petitioners further submitted that the property tax pertaining to the said property has been assessed in the name of the first petitioner and he has been paying the property tax, metro water tax in his name. Therefore, it is crystal clear that the said property was in his absolute

possession and enjoyment from the date of the aforesaid purchase i.e., from 28.01.1980 onwards till date without any interruption whatsoever from any quarters.

3. The petitioners have further submitted that subsequently the first petitioner has settled 2/3 share in the aforesaid property by retaining 1/3 share to him to and in favour of his wife viz., S.Geetha and his daughter viz., Prabha Subramanian each 1/3 share under the registered deeds of settlement dated 16.11.2007 and registered as Document Nos.937 and 938 of 2007 at the Office of the Sub Registrar, Adayar, Chennai-20. Thus all of them have become the joint owners of the said property bearing door No.7, Venkatratnam Street, Adayar, Chennai-20. The petitioners have further submitted that while so, some officials from the respondent came to the premises and measured the extent of land and also instructed to hand over possession of the land to them. Immediately, the first petitioner contacted his counsel and thereafter made an enquiry and found that the lands were acquired by the respondents under the provisions of Tamil Nadu Urban Land Ceiling and Regulation Act 1978 and at this juncture it is to be pointed out that neither the third respondent nor any authority approached him and issued notice directing him to surrender possession and there was no disturbance at all from the respondents.

4. The petitioners have further submitted that the acquisition of land under 1978 Act cannot affect the rights of the first petitioner to own or possess the property in as much as the physical possession of land is still with him. Moreover, he has not received any compensation so far. The petitioners have further submitted that the respondents 1 and 2, by an order dated 22.01.1979 in their proceedings K.Dis/A2-21/FFT/79, have specifically stated that Sri R.Munusamy Chettiar, E.Sundarababu Chettiar and Smt.V.Jayalakshmi, wife of Ganesa Chettiar, all of them succeeded the estate of Late Babyammal and her husband R.Venkataramulu Chettiar, both deceased and all are joint family members entitled in the share of the property and it is also revealed that the members of the three families do not own any other vacant land in the urban agglomeration of Tamil Nadu According to the share held by each of the three members Sl.Nos. 1 to 3 above, the total extent owned by each of the three co-joint owners of the said land bearing T.S.No.20/2, Block 8 of Pallipattu Village comes to 1475 sq.mts. which is well within the ceiling limit prescribed and all the persons are entitled to hold the above vacant land under the purview of the Tamil Nadu Urban Land (Ceiling and Regulation Act) 1978.

5. The petitioners have further submitted that patta was already issued to and in favour of the first petitioner's predecessors in title pertaining to the said land and the said order passed by the respondents shall be binding

on them and as such, the respondents are estopped from making any claim over the petitioners land under the guise of Urban Land Ceiling Act that too which was repealed with effect from 16.06.1999 publishing the enactment of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act 1999. The petitioners have further submitted that as per the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act 1999, it is provided that if any land is deemed to have vested in the State Government under Sub Section (3) of Section 11 of the Principal Act, viz., Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 but possession has not been taken over by the State Government or any person duly authorized by the State Government in this behalf or by the competent authority and any amount has not been paid as compensation, all proceedings relating to any order made or purported to be made under the Principal Act, before any Court, Tribunal or any authority shall abate.

6. In the case of the first petitioner it is seen from the orders under Section 9(5) of the Act issued by the first respondent in proceeding 02/6216/82, dated 30.12.1991 declaring an excess of land of an extent of 3926 sq.mts after allowing 500 sq.mts as family entitlement land of the total extent of 4426 sq.mtrs, owned by the landowner in Survey No.20/2 (part) Block No.8, at Pallipattu Village, for which, necessary publication was said to have been effected in the Tamil Nadu Government Gazette under Section

11(3) of the said Government and notice issued under Section 11(5) of the said Act, requiring the person in occupation of the said land said to have been served on her and directing her to surrender vacant possession to the Tahsildar Mylapore-Triplicane Taluk intimating her that the said land had been vested with the State Government as per Section 11(3) of the said Act in exparte are vitiated on the particularly when the letter J.2/25445/90, dated 21.09.1990 received from Collector of Chennai addressed to Special Commissioner and Commissioner of Land Reforms, Chennai-5 would categorically prove that the purchasers are well within the legal bounds for transfer of registry based on proper title deeds and in the instant case, the first petitioner has purchased the lands comprised in Survey No.20/2 owned by Babyammal on the strength of the clearance certificate from competent authority ULT and therefore, the title is not disputable and despite the said communications the action on the part of the respondents herein are highly ultravires and illegal. Hence, the petitioners have filed the above writ petition.

7. The respondents have filed a counter affidavit and resisted the above writ petition. The respondents submit that one Tmt.Babyammal W/o.Thiru R.Venkataramulu Chettiar had filed the return under Section 6(1) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1976 on 13.07.1977 for the following lands.

<i>Name of Village</i>	<i>Sl.No.</i>	<i>Extent</i>
<u>Present</u>		
Pallipattu	20/2 Bk.8	24 grounds 1200 sq.ft.
	<u>Old S.No.</u> 24/3A4 26/1D	<u>A.C.</u> 0.58 0.78
	<u>Total</u>	<u>1.36</u>

She has also mentioned that the above land was proposed to be surrendered. The landowner was called on for enquiry several times, but she didn't turn up. The land was inspected by the then Competent Authority (ULC) / Assistant Commissioner (ULT) Saidapet on 23.02.1978 and the land was found vacant on ground and no structure was put up on the land. Being an individual, she was entitled for 500 sq.mts as entitlement area under the Ceiling Act. Therefore, out of the total extent of 4426 sq.mts an extent of 3926 sq.mts. was treated as excess vacant land and acquisition proceedings were initiated to acquire the excess vacant land under Section 9-11 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act. A notice under Section 9(4) along with statement under Section 9(1) was issued on 22.11.1978 in favour of Tmt.Babyammal W/o. Venkataramulu Chettiar, Jawahar Nagar Post, Chennai-82. Later, Thiru.Munusamy Chettiar and two others and sons of Raju Chettiar sent a letter on 03.01.1979 to the second respondent stating that their elder brother Thiru.R.venkataramulu Chettiar and his wife expired and

the land was partitioned and the petitioners (viz., Munusamy Chettiar etc.) are the legal-heirs for the said properties. The second respondent had addressed Thiru.M.Munusamy Chettiar in his letter dated 06.01.1979 and requested to produce the legal-heirship certificate etc. Accordingly, Thiru.R.Munusamy Chettiar and two others have sent a petition to the second respondent stating that they have applied to the Tahsildar and requested one month time to file the same. Later, the second respondent recorded a statement from Thiru.Sundarababu Chettiar, Son of Raju Chettiar on 17.03.1979 which relates to the properties of Tmt.Babyammal. Later, the Tahsildar, Mylapore-Triplicane was requested to inform the legal-heir of Tmt.Babyammal and he has sent report to the Assistant commissioner, Saidapet that the following are the legal-heirs to the estate of deceased Tmt.Babyammal.

- 1.Thiru.R.Munusamy Chettiar
- 2.Thiru.R.Sundarababu Chettiar
- 3.Tmt.V.Jayalakshmi

The original owner Tmt.Babyammal expired on 27.10.1978. Subsequently, after enquiry the then Competent Authority, Saidapet had passed an order in K.Dis.A3/21/Ppt/79/dated 22.11.1979 stating that the property belongs to Tvl.R.Munusamy Chettiar, R.Sundarababu Chettiar and Tmt.V.Jayalakshmi, declaring that the lands in question were within the Ceiling Limits. After getting the clearance certificate from the Competent Authority, the legal-heirs laid out the land in question along with the lands held by them into plots and

sold it out to various persons. On receipt of a petition from one Thiru.Vadivel, based on the records and reports, the Government in their order vide Lr.No.122228/T2/80-8, Revenue, dated 25.06.1982 had cancelled the above clearance certificate issued by the Competent Authority, Urban Land Ceiling / Saidapet on 22.11.1979 and ordered to proceed for the acquisition of excess vacant land measuring 3926 sq.mts in S.No.20/2 (Block-8) of Pallipattu Village. Based on the report of the Commissioner of Land Reforms, where it was pointed out that it is land held on crucial date of 03.08.1976 which has to be calculated and not what happens to it subsequently, the granting of certificate by the Assistant Commissioner of lands as within ceiling limit is hence, technically incorrect. Accordingly, the notice under Section 9(4) along with a draft statement under Section 9(1) of the Act were issued on 11.04.1984 for the acquisition of the excess vacant land of 3926 sq.mts. in S.No.20/2 (Block-8) of Pallipattu Village in the name of Tmt.Babyammal. It was received by the legal-heir through registered post and they raised no objection. So, the Competent Authority (ULC), the second respondent herein had proceeded and passed orders under Section 9(5) of the Act on 23.07.1985 declaring the excess vacant land of 3926 sq.mts after allowing 500 sq.mts as entitlement. The order was sent by RPAD and was received by the legal-heirs of the deceased. The final statement under Section 10(1) of the Act was issued on 07.09.1988 and the same was served on the legal-heir by RPAD.

8. The respondents have further submitted that the Notification under Section 11(1) of the Act was issued on 25.02.1991 and it was published in the Tamil Nadu Government Gazette No.35 as notification No.VI(1)/1193/91, dated 25.02.1991 at Page 699 on 11.09.1991. Further, the Notification under Section 11(3) of the Act was issued on 10.10.1991 vesting the excess vacant land with Government with effect from 25.10.1991 and it was published in the Tamil Nadu Government Gazette as Notification No.45 at Page No.939, dated 27.11.991. Later, the Notice under Section 11(5) of the Act was issued to the Urban Land Owner on 30.12.1991 directing to deliver the possession of the excess vacant land to the Government. The same was served by the affixture on 06.04.1992. The possession of the excess vacant land was handed over to the Tahsildar, Mylapore-Triplicane Taluk on 23.03.1994. The Notice under Section 12(7) of the Act was issued on 13.05.1994 with regard to payment of compensation. The legal-heirs had appeared in the second respondent office and stated that the excess vacant land under acquisition was sold to various persons through a Power Agent. While so, Thiru.S.Sethuraman filed the above writ petition, seeking to issue a writ of mandamus, forbearing the respondents their subordinates from interfering with the possession and enjoyment of the petitioners land in Old R.S.No.26/1B and 24/3A4 and now in R.S.No.243/A in T.S.No.20/2, in Block 8 bearing Plot No.20, measuring an extent of 1 ground 1848 sq.ft. purchased

during 1980.

9. The respondents have further submitted that the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 came into force with effect from 03.08.1976. The acquisition proceedings were initiated against the urban land owner by name Tmt.Baby Ammal, as on 03.08.1976, as per the Ceiling Act. The writ petitioner had purchased a piece of land measuring 1 ground 1848 sq.ft. vide document No.163/80, dated 28.01.1980 from out of the excess vacant land acquired. The purchase of the acquired land after introduction of the Act (i.e.) 03.08.1976 is null and void as per Section 6 of the Tamil Nadu Urban Land (C&R) Act, 1978. The question of sanctioning building plan and electricity connection has no relevance to this case. The respondents have further submitted that Tmt.Baby Ammal, the landowner as on 03.08.1976 had filed the return under Section 6(1) of the Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1976 before the Competent Authority (ULC), Assistant Commission (ULT) Saidapet in respect of her lands in S.No.24/3A (T.S.No.20/2 Block 8) and 26/1D of Pallipattu Village. The first petitioner has purchased a portion of the land after the introduction of the Act i.e., after 03.08.1976 as per the document No.163/1980. As the transfer of land was effected after the introduction of the Ceiling Act, so also the construction of any building on the acquired land even with the permission of the Corporation of Madras and assessment of water tax thereon to any

building constructed on the land proposed for acquisition are also to be treated as null and void as per Section 6 of the Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1978. The possession of a portion of the acquired land has to be treated as encroachment.

10. The respondents have further submitted that as the purchase made by the first petitioner itself is null and void the transfer of lands by way of settlement effected by the first petitioner on the acquired land after the Ceiling Act came into force has also to be treated as null and void as per Section 6 of the Act. The respondents have further submitted that the original landowner Tmt.Babyammal had filed the return under Section 6(1) of the Tamil Nadu Urban Land (Ceiling & Regulation) Act 1978. The notice under Section 9(4) of the Act with the statement under Section 9(1) were served to the legal-heirs of the urban land owner Tmt.Babyammal who expired on 27.10.1978. The orders passed under Section 9(5) of the act was served to the legal-heirs of the deceased urban landowner. The notice under Section 11(5) to handover the possession of the excess vacant land was also issued and the same was served by affixture on 06.04.1992. As the first petitioner is not the landowner according to the provisions of the Ceiling Act, serving of the said notices to him does not arise. The respondents have further submitted that since Tmt.Babyammal was the urban landowner for the purpose of Ceiling Act, subsequent purchase of a portion of the acquired land

by the first petitioner contravenes Section 6 of the Tamil Nadu Urban Land (Ceiling & Regulation) Act. The first petitioner is not the owner for the purpose of the Ceiling Act. Therefore, the possession of the acquired land by the first petitioner has to be treated as encroachment on Government land. Accordingly, the first petitioner is not eligible for any compensation. Further the proceedings in K.Dis.A2/21/PPT/79 referred by the first petitioner were cancelled by the Government in their order No.122228/T2/80-8 (Revenue) dated 25.06.1982 and ordered to proceed for the acquisition of excess vacant land held by the Urban Land Owner on the ground that the above land attracts the Ceiling Act.

11. The respondents have further submitted that the Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1978 was repealed with effect from 16.06.1999. The Repeal Act, shall not affect the excess vacant land, if any, acquired under Section 9-11 of the Act for which acquisition proceedings was initiated upto 11(5) stage and possession of the land has been taken over by the Government or by the Competent Authority. With regard to the first petitioner's land, acquisition proceedings were initiated upto 11(5) stage and possession of the land was also taken over by the Competent Authority and handed over to the Tahsildar, Mylapore-Triplicane Taluk on 23.03.1994, but the contention of the first petitioner is that the acquisition proceedings initiated have vitiated the fundamental fact of the Repeal Act. The respondents have

further submitted that the contentions of the first petitioner are not acceptable as the Repeal Act does not apply in respect of excess vacant land for which possession has already been taken over by the Government as per Section 3(1)(a). Further, the first petitioner has contended that the title of the land held by him is not disputable in view of the clearance certificate issued by the then Competent Authority, Saidapet in his letter dated 22.11.1999. The clearance certificate issued by the Competent Authority was subsequently cancelled by the Government on 25.06.1982 under Section 34 of the Ceiling Act as it was found erroneous. Therefore, the Collector of Chennai was also requested to cancel the pattas issued on the basis of clearance issued by the then Competent Authority, Saidapet. Hence, the respondents entreat the Court to dismiss the above writ petition.

12. The learned counsel Mr.S.K.Raghul Vivek, appearing for the petitioners submits that the subject matter of the property originally belonged to one Munusamy Chettiar and others. They sold the property to the petitioners father, under a registered sale deed dated 28.01.1980. At the time of purchasing the said property, the erstwhile owners had marketable title deeds. From the date of purchase, the petitioners are in possession and enjoyment. The Predecessors of the erstwhile owners had obtained necessary orders from the urban land ceiling department, which was in force. The petitioners put up additional construction over the said property after

obtaining planning permission from the Corporation of Chennai in their proceedings dated 10.01.1997. Subsequently, the property tax, water tax have been assessed in the name of the first petitioner. The first petitioner had settled 2/3rd property to and in favour of his wife and daughter. The balance of 1/3rd share was possessed by the first petitioner. Under the circumstances, the officials attached to the respondents came to the premises and measured the lands and also instructed to hand over possession. Immediately, the petitioner contacted the respondents. They informed that the subject lands were acquired under the Tamilnadu Urban Land Ceiling Act. The petitioners have not received any communication regarding acquisition.

13. The learned counsel further submits that the total lands to an extent of 1400 sq. m., is well within the Ceiling limit prescribed. The patta also has been issued in favour of the erstwhile owner. As such, the respondents are estopped from making any claim over the said land under the guise of Urban Land Ceiling Act, that too after it was repealed with effect from 16.06.1999, publishing the enactment of Tamilnadu Urban Land Repeal Act, 1999. As per the act, if the possession has not been taken over by the Government or any person duly authorised by the Government and any compensation amount has not been paid, then all the proceedings relating to any order made shall abate. In the said case, the orders under Section 9(5) of the Act was issued by the first respondent, in his proceedings dated

30.12.1991, declaring an excess of land of an extent of 3926 sq. metres after allowing 500 sq. m. as family entitlement land of the total extent of 4426 sq. metres, owned by land owner in the said Survey number. The purchasers / petitioners are within the legal bounds for transfer of registry based on proper title deeds. Further, the property had been purchased on the strength of clearance certificate obtained from the competent authority, attached to the Urban Land Department. Hence, the learned counsel entreats the Court to restrain the respondents from interfering with their possession.

14. The highly competent Additional Government Pleader Mr.M.S.Ramesh, appearing for the respondents submits that one Mrs.Babyammal had filed return under Section 6(1) of the Tamilnadu Urban Land Ceiling Act, on 13.07.1977. Accordingly, the Survey number was comprised in 20/2, situated at Pallipattu Village to an extent of 24 grounds, 1200 sq. feet. She had also mentioned that the said land was proposed to be surrendered. Though the land owner was called on for enquiry several times, she did not turn up. Thereafter, the subject land was inspected by the competent authority of Urban Land Ceiling on 23.02.1978 and it was found that the land is vacant ground and there is no structure on the ground. Being an individual, Mrs.Babyammal was entitled to 500 sq. metres under the Ceiling Act. Therefore, out of the total extent of 4426 sq. metres, an extent of 3926 sq. metres was treated as excess vacant land and acquisition

proceedings were initiated, to acquire the excess vacant land under the Tamilnadu Urban Land Ceiling Act.

15. The learned counsel further submits that the actual land owner expired. Therefore, notices were issued to the legal heir of the deceased. Thereafter, the competent authority had passed orders stating that the property belongs to Munusamy Chettiar, Sundarababu Chettiar and Mrs.Vijayalakshmi declaring that the land in question were within the Ceiling limit. After obtaining the clearance certificate from the competent authority, the legal heirs laid out the land in question along with the lands held by them into plots and sold it out to various persons.

16. On receipt of a petition from one Thiru.Vadivel, based on the records and the report of the Government, the clearance certificate was cancelled on 22.11.1979 and ordered to proceed for the acquisition of excess vacant land measuring an extent of 3,926 sq. metres. Accordingly, draft statement were issued on 11.04.1984. But, no objection was received from the legal heir of the original owner. Notification was also published in the Tamilnadu Government Gazette on 25.02.1991 under Section 11(1) of the Act. The possession of the vacant land was handed over to the Tahsildar, Mylapore. Notice also was issued under Section 12(7) of the Act, with regard to payment of compensation. Under the circumstances, the legal heirs had

appeared in the second respondent's office and stated that the excess vacant land under acquisition was sold to various persons. The said transaction is not valid. Writ petitioner had purchased 1 ground 1848 sq. ft. under a registered document dated 28.01.1980 from out of the excess vacant land acquired. The said transaction is null and void. Further, the question of sanctioning the building plan and electricity connection has no relevance to this case. Hence, the very competent counsel entreats the Court to dismiss the above writ petition.

17. On considering the facts and circumstances of the case and arguments advanced by the learned counsels on either side and on perusing the typed set of papers, this Court is of the view that as per the counter statement filed by the respondents, on the basis of relevant records maintained by them, it is seen that the second respondent had acquired the said land under the Tamilnadu Urban Land Ceiling Act and possession was taken on 06.04.1992 and he in turn handed over the said possession to the third respondent herein on 23.03.1994. As such, the prayer of the petitioner is not maintainable. Further, regarding ad-interim injunction restraining the respondents from taking possession of the subject matter of the lands, a comprehensive enquiry is required before the appropriate forum to decide the title and possession. As such, the above writ petition is not maintainable. Hence, it is dismissed.

18. In the result, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

12/01/2016

Index : Yes.

Internet : Yes.

r n s/vs

To

1.The Principal Commissioner and
Commissioner of Land Reforms,
Chepauk, Chennai-600 005.

2.The Assistant Commissioner of
Urban Land Tax and Ceiling,
Arcot Road, Kodambakkam,
Chennai-24.

3.The Tahsildar,
Mylapore Triplicane Taluk,
Chennai-4.

C.S.KARNAN, J.

r n s/vs

Pre Delivery Order made in
W.P.No.25636 of 2008 &
M.P.No.2 of 2014

12/01/2016