IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON : 09/09/2015

DATED : 27/01/2016

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.23617 of 2013

Mani Srinivasan
A3/8, Triveni Apartments
B-3, Vasundhara Enclave
Delhi - 110 096. ... Petitioner

Vs.

1. The Secretary
   Revenue Department,
   Government of Tamil Nadu,
   Fort St. George,
   Chennai - 600 009.

2. The Director (Urban Land Ceiling and Urban Land Tax),
   Ezhilagam,
   Chepauk,
   Chennai - 600 005.

3. The Assistant Commissioner (Urban Land Ceiling),
   (Tambaram),
   153, Karuneegar Street,
   Adambakkam,
   Chennai - 600 088.

4. The District Collector,
   Kancheepuram District,
   Collectorate,
   Kancheepuram - 631 501.

5. Tahsildar,
   Taluk Office,
   Tambaram Taluk,
   Tambaram,
   Chennai - 600 045. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a Writ of declaration, declaring that the ceiling proceedings, in File No:S.R.200/97, na.ka.c.pa.200/97C, S.R.200/97C, Rc.2712/97C, R.C.2712/ 97/D of Respondent-3 pertaining to the notification / acquisition

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in respect of the Schedule Property under the Ceiling Act, as abated under Section 4 of the Repeal Act and in view of the illegalities set forth in this Writ Petition and consequently directing Respondent Nos.4 and 5 to issue patta and mutate other land records in the name of the Petitioner in respect of the Schedule Property.

For Petitioner : Mr.G.Balasubramanian
for M/s.Poovayya & Co.

For Respondents : Mr.M.S.Ramesh
Additional Government Pleader

O R D E R

The petitioner has submitted that on 16.11.1988, he purchased a piece of land admeasuring 2760 sq. ft. (Two thousand seven hundred and sixty square feet) in Tambaram village with a hut thereon (hereinafter referred to as the "Schedule Property") from Dr.S.Sivaswamy and one Mr.Sivasubramaniam ("Original Owner / Seller"), represented by their constituted attorney Mr.M.Rathina Sabapathy, in good faith, under a duly registered sale deed ("Sale Deed") bearing Document No.5584/1988 in the office of the Sub Registrar, Tambaram. The Schedule Property formed part and parcel of the land bearing Survey No:11/2 in Tambaram Village, (hereinafter referred to as the "said Land").

2.The petitioner has further submitted that he was in New Delhi at the time of the registration of the Sale Deed of the Schedule Property, as he was employed in the Union Government service during the relevant period. He had also obtained the encumbrance certificates issued by the registration department at regular intervals to confirm that the legal possession and ownership of the Schedule Property, which is in my name. He used to make periodical visits from New Delhi to Chennai and during such times, visit the Schedule Property.

3.The petitioner has further submitted that during one of his visits to Chennai in the month of August 2010, he approached the Village Administrative Officer (VAO), Tambaram, working under the administrative control of Respondent No.5, for issue of Patta for the Schedule Property, since he came to know that some of the plot owners in the vicinity were developing their land. He was shell shocked when the V.A.O. informed him that the said land including the Schedule Property was already notified by the Respondent No.3 under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (since repealed in 1996 and referred to as the "the Ceiling Act" in this petition for the sake of brevity) and the Tamil Nadu Urban Land (Ceiling and Regulation) Rules, 1978

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(hereinafter referred to as the "Ceiling Rules") and further advised him to make an application to the office of Respondent No.3 for regulation of the Schedule Property under the relevant scheme notified by the Government of Tamil Nadu.

4.The petitioner has further submitted that the Sub Registrar, Tambaram, subsequent to the registration of the Sale Deed on 16.11.1988 as mentioned above, also permitted registration of a Rectification deed dated 26.09.1990, which was executed to rectify certain typographical errors in the sale deed of Schedule Property. The said Rectification deed was registered as document No.4202 of 1994, in the office of Sub Registrar, Tambaram. It is pertinent to note that there was no challenge or objection to the registration of the said document. It is to be noted that while the document was presented for registration on 26.09.1990, the registration number was assigned by the Sub-Registrar, only on 29.12.1994. It is also pertinent to note that the Sub Registrar being obliged under Section 27 of the Ceiling Act and Rule 19 of the Ceiling Rules to obtain necessary statements from the transferor and transferee only, if the Schedule Property was "vacant land" as defined in the Ceiling Act, at the time of the registration of the Sale Deed neither demanded nor obtained any such statement in the instant case, either at the time of the registration of the Sale Deed or at the time of registration of the subsequent Rectification deed in respect of the Schedule Property.

5.The petitioner has further submitted that he purchased the Schedule Property with a standing hut thereon and the total extent of the Schedule Property with the hut was well below the ceiling limit of 500 square metres allowed to be retained by any person under the Ceiling Act. Considering above facts and circumstances, he sincerely believed that the Schedule Property was not covered under the Ceiling Act in addition to the fact that the Schedule Property included a hut standing thereon, aged five years on the date of purchase as duly recorded by the Sub Registrar in Annexure-I to the registered Sale Deed.

6.The petitioner has further submitted that solely relying on the oral advice given by the V.A.O. and the officials in the office of the Respondent No.3 and in good faith and without prejudice to his rights, on 08.11.2010, he applied for the regularisation of the Schedule Property under the Scheme as provided under the Tamil Nadu Government Order G.O.Ms.No.565/ULC-I/Rev. Deptt. dated 26.09.2008 (hereinafter referred to as the "Regularization G.O." for the sake of brevity and the scheme thereunder referred to as "Innocent Buyers Scheme") read with other connected Government Orders referred therein. He crave to submit that the said application was submitted on the oral instructions / advice of

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the V.A.O. Tambaram, a subordinate officer of the Respondent No.4 and the officers of the Respondent No.3 presuming that the said Land including the Schedule Property was duly notified by the Respondent No.3 after following all the mandatory proceedings under the Ceiling Act and the Ceiling Rules. He was given to understand by the said officials that the said scheme was available and that he could make use of the same for his benefit and besides the fact that he live in Delhi, which was in impediment to maintain or follow up with the authorities on a day to day basis.

7.The petitioner has further submitted that after submission of the aforesaid application for regularization of the Schedule Property, Respondent No.3 issued a notice bearing No: a/1612/2010 dated 03.12.2010, fixing the date of hearing of his application for regularisation on 22.12.2010 and the same was despatched to his residential address at Delhi on 16.12.2010, allowing him a very short notice of a few days to appear before him. It is pertinent to note that his address for communication on the envelope containing the notice was written in Tamil and dispatched to New Delhi, where the postal authorities are conversant only in Hindi, which shows the lethargic and casual attitude of Respondent No.3 in dealing with the issue, which denied him the opportunity to be present for the personal hearing and which violated the principles of natural justice and further raises apprehensions as to the authenticity of intent of such notice in terms of duly notifying this petitioner about the hearing in accordance with law. Since the said notice dated 03.12.2010 from the Respondent No.3 was received very late on 17.01.2011, well after the date of hearing fixed by him on 22.12.2010, he submitted a representation per email on 17.02.2011 to the Respondent No.1, the Head of the Revenue Department, Government of Tamil Nadu. However, Respondent No.1 failed to take any action on it.

8.The petitioner has further submitted that after further representations to the Chief Minister's Cell, Government of Tamil Nadu, the Respondent No.2, per his letter Rc.No.2241/2012/E2 dated 25.03.2012 merely informed that the Innocent Buyers Scheme, under which he submitted the application for regularisation of the Schedule Property was withheld, as per Government instructions to revamp the said scheme and his application for regularization of the Schedule Property submitted under the said scheme was kept pending, without informing the time frame within which the application will be processed. Further representations including the letter dated 01.03.2012 - PMP2/377687 on 18th April 2012 forwarded by the Prime Minister's office to the Chief Secretary, Tamil Nadu Government did not provide any desired results.

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9.The petitioner has also further submitted that without prejudice to the challenge of legality of the Regularization G.O., the said Scheme framed under the Regularization G.O., the same shall not be applicable in the instant case since the entire proceedings ("Ceiling Proceedings") of the Respondent No.3 in respect of the said land including the Schedule Property under the Ceiling Act and Ceiling Rules are tainted with material illegalities clearly manifest on the face of the statutory documents and gross statutory violations committed by the Respondents No.3 and 4 as evidenced by the documents supplied by the Respondent No.3 in reply to his application submitted under the Right to Information Act, 2005 ("RTI Act").

10.The petitioner has further submitted that since he had reasonable doubts regarding the due compliance under the Ceiling Act / Ceiling Rules regarding the notification / acquisition of the said Land including the Schedule Property, in order to satisfy as to whether the said Land including the Schedule Property was duly notified / acquired by the Respondents under the Ceiling Act/Ceiling Rules, he sought the relevant information under Right to Information Act on 28.06.2012 from the Respondent No.3 citing the Ratio Decidendi propounded in various Judgments under the Ceiling Act delivered by this Court under Writ Jurisdiction.

11.The petitioner has further submitted that after receiving the reply from Respondent No.3 vide his letter Rc.No.B/344/2012 dated 27.07.2012 furnishing the information under the Right to Information Act together with some of the copies of the statutory forms / documents in connection with the notification / acquisition of the land including the Schedule Property under the said Ceiling Act / Ceiling Rules, he requested for further details / copies of certified copies of the documents on 08.08.2012. He states that since the replies No.Rc.No.B/344/2012 dated 27.07.2012 and Rc.No.B/344/2012 dated 16.08.2012 provided by the Respondent No.2 to his letter dated 28.06.2012 and 08.08.2012 were not satisfactory, he submitted further appeals under the Right to Information Act, on 17.08.2012 and 03.09.2012 to Respondent No.2. A bare reading of the letter dated Rc.No.B/344/2012 dated 27.07.2012 of Respondent No.3 and letter Rc.No.E2/2241/2012 dated 21.09.2012 of Respondent No.2, a copy of which was provided to the petitioner, would prove that none of them contested or raised any objection to the illegalities in the notification / acquisition of the said land mentioned in the letter dated 28.06.2012 and 17.08.2012. Since Respondent Nos.1 and 2 who are vested with quasi-judicial powers have deliberately ignored the various illegalities committed by Respondent No.3 in connection with the notification / acquisition of the said Land including the Schedule Property beneficially owned by him, as was pointed by

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him in repeated communications, he was left with no alternative but to approach this Court for appropriate relief. He crave to submit the following grave illegalities committed by the Respondents No.3 and 4 at the time of aforesaid notification / acquisition of the said Land including the Schedule Property under the Ceiling Act / Ceiling Rules, which renders the entire proceedings under the said Act in respect of the Schedule Property null and void. Hence, this writ petition is filed.

12.The third respondent has filed counter statement which are as follows:-

It is submitted that the petitioner has filed this writ petition very belatedly after a lapse of 25 years after his purchase of the land in S.No.11/2A of Tambaram Village measuring an extent of 2760 Sq. ft. during 1988 and after 15 years of handing over possession to the Revenue authorities. It is submitted that neither has the petitioner verified the ownership of the subject lands of the seller, the erstwhile Urban Land Owner, with the concerned authority before purchase, nor did he after the purchase of the land, contact concerned Revenue authority for change of name in the respective Government accounts for 25 years. The petitioner's name was not recorded as owner in the Taluk Village Accounts. It is further submitted that the writ petitioner has never occupied in anyway nor is living on the land, but living in Delhi and not in possession of the subject land during the process of Urban Land Ceiling or physically even now. If he was an interested person or in possession he would have informed about his purchase of the land during the process of acquisition by Ceiling and all the notices, orders were affixed on the land of the Urban Land Owner, including the subject land. The above petition is misconceived and is not maintainable either in law or on facts. The writ petition is devoid of merits and it is liable to be dismissed.

It is submitted that the petitioner has filed this writ petition in a highly belated manner which clearly shows that the petitioner has no case for the claim. It is further submitted that the orders were passed by third respondent in Rc.No.SR200/97, 2712/97C, pertaining to the notification regarding acquisition in respect of the subject land under the Ceiling Act have been passed after following the procedure as per Act and Rules. It is submitted that the land in S.No.11/2A of Tambaram Village measuring an extent of 4150 Sq. mts. was owned by Thiru.D.Siva Subramanian in Patta No.281 as per the revenue records. Since the urban land owner did not file the return under Section 7(1) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act 1978 (herein after called as the Act). Notice under Section 7(2) of the Act was issued on 10.05.1997. It was served by affixture by Village Administrative Officer in the case land. The urban land owner

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did not file the return under Section 7(1) of the Act, hence notice under Section 9(4) with statement under Section 9(1) of the Act were issued on 27.05.1997. Since the urban land owner was not residing in the village the above notice was served by affixture by the Village Administrative Officer. Then the land was inspected by the Assistant Commissioner, Urban Land Tax, Tambaram on 31.08.1997 and found to be laid out with stones with path way formed. The character of the land was changed into urban. Orders under Section 9(5) of the Act was issued on 31.08.1997 declaring an extent of 3650 sq. mts. as excess vacant land after allowing 500 sq. mts. towards entitlement. Final statement under Section 10(1) was issued on 03.10.1997. Notification under Section 11(1) was issued on 10.11.1997 and was published in the Tamil Nadu Government Gazette on 28.01.1998. Notification under Section 11(3) was issued on 11.03.1998 and the land shall be deemed to have been vested absolutely with the State Government free from all encumbrances with effect from 01.05.1998 and was published in the Tamil Nadu Government Gazette on 22.04.1998. Notice under Section 11(5) was issued on 02.07.1998. Then the possession of the excess vacant land was handed over to the Revenue Inspector, Tambaram Firka on 21.09.1998. Later the acquired land along with other lands was also allotted to Tamil Nadu Slum Clearance Board Vide G.O.Ms.No.391, Revenue ULC I (2) Department dated 17.09.2003. Against the above acquisition, Thiru.Mani Srinivasan a purchaser of the acquired land has filed this writ petition in W.P.No.23617 of 2013.

It is submitted that the land of 2760 Sq. ft. has been purchased by the writ petitioner herein during 1988 for which he had submitted a rectification deed during 1990 which was registered during 1994. The above purchase is not valid under Section 6 of the Act. Therefore, the petitioner is not the owner of the land. Purchase of land by a registered sale deed does not equal to ownership. Ownership is as recorded in the Revenue Records. The Tahsildar is the custodian of lands in a Taluk. He alone can give any details of a land in respect of his Taluk and confirm the correct ownership of any land of his Taluk on the basis of Taluk and village accounts. After registration of sale, the process of transfer of ownership considering submitted sale documents verified with Revenue records is to ensure legal transfer of ownership rights. If ownership is claimed merely by registered sale documents, fraudulent sales would well lead to illegal ownership. As per details of land records given by the Taluk office to the Urban Land Ceiling office for process under Tamil Nadu Urban Land (Ceiling and Regulation) Act 1978, the registered owner of the subject lands was Thiru.D.Siva Subramanian. It is submitted that the purchase made by the petitioner during 1988 is null and void as per section 6 of the Act and is not valid. The petitioner has at no time sought transfer of ownership of the land in any of the village accounts / revenue records adangal,

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chitta and in the FMB and has not obtained patta in his name for 25 years from 1988 to 2013 based on the registered sale deed.

The land in S.No.11/2A in Tambaram Village was registered in the name of Thiru.D.Siva Subramanian in Taluk Accounts in Patta No.281. Hence action was taken to acquire the excess vacant land held by him. All notices, orders were issued which were affixed in the case land as the Urban Land Owner was not residing in the Village. Hence if at all the writ petitioner as claimed by him was in possession of the land then he would have known about the possession and represented himself before the Competent Authority / 3rd Respondent, herein. Hence in absence of any objection, his contention that he is in possession of land is a false one. Further after completing the formalities the possession of the excess vacant land was handed over to Revenue authorities on 21.09.1998 and necessary changes were made in Village / Taluk Accounts vide 8A/408/1408, dated 29.09.1998. Hence, the contentions of the writ petitioner are baseless, untenable and are liable to be rejected.

It is submitted that the Act is applicable to urban vacant land also which the writ petitioner failed to perceive. The contentions of the petitioner in para 6 is an afterthought as the petitioner did not verify about the Ceiling Act before his purchase with appropriate authorities and for his in action he has now untended that he believed that the land was not contended under the Ceiling Act. Hence, it is an afterthought, baseless and cannot be accepted.

It is submitted that the writ petitioner having accepted the acquisition of the land by Government under the Act applied for regularization of his purchase during 2010 under IB category vide G.O.Ms.No.565/ULC I (1) / Revenue Department dated 26.09.2008. The above scheme was kept in abeyance in the Government Letter No.4506/ULC I (1)/2011, dated 05.01.2012. Now, the Government in Lr.No.4506/ULC I (2)/2011 - 29, dated 03.12.2014 decided to allow the processing of IB applications to regularise the purchase vide above Government Order with certain norms. Hence the contentions of the writ petitioner cannot be accepted and untenable.

It is submitted that the writ petitioner has narrated about the Right to Information application he submitted before Public Information Officer, reply he received, then first appeal filed by him and reply received by him. But the reply sent by the Public Information Officer / Appellate Authority are based on the records and cannot be questioned in any court of law and there is bar of jurisdiction under Section 23 of Right to Information Act.

Section 23 of Right to Information Act states

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as follows:-

> "... No court shall entertain any suit, application or other proceedings in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act...."

The writ petitioner in his query under Right to Information has sought for remedy and many of the information sought for lies outside the scope of Right to Information Act and definition under Section 2(f) of the Right to Information Act. The writ petitioner failed to seek remedy before appropriate forum. Thus the writ petitioner inspite of getting replies under Right to Information did not file further appeal (2nd appeal) before the Right to Information Commission. Hence the contentions of the petitioner are untenable, baseless and cannot be accepted.

It is submitted that the land was registered in the name of Thiru.D.Siva Subramanian in Patta No.281 in Village / Taluk Accounts. Hence action was initiated to acquire the excess vacant land and all notices, orders were issued in the name of the Urban Land Owner, Thiru.D.Siva Subramanian. The writ petitioner as a purchaser of excess vacant land after 03.08.1976 has no locus standi to question the acquisition proceedings when the purchase itself is a void one. The writ petitioner after his purchase during 1988 did not make changes in the revenue records in his name and hence notices could not be issued in his name. Further the land was vacant and all notices were served by affixture in the land. If as claimed by the writ petitioner the land is under his possession he would have known about the acquisition proceedings and represented himself before the appropriate authorities. In absence of any objection, it has to be concluded that the land is not in his possession. Also during the process of acquisition notification under Section 11(1) of the Act was published in Tamil Nadu Government Gazette dated 28.01.1998 for the persons interested in the land and for the interests of public. Even after publication of it no such representation were received from the interested persons. Hence the contentions of the writ petitioner are baseless, opportunistic and ought to be rejected.

It is submitted that as stated supra as the land was registered in the name of Thiru.D.Siva Subramanian notice under Section 9(4) along with statement under Section 9(1) of the Act was issued on 27.05.1997 and was served by affixture in the case land. Then the land was inspected by the Assistant Commissioner on 31.08.1997 and found to be laid out with stones and a pathway. Hence orders under Section 9(5) of the Act was passed on 31.08.1997. Then sub division records were prepared and final statement under Section 10(1) was

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issued on 03.10.1997. The land was sub divided as follows:-

S.No.	Total Extent (Sq.mts)	Entitlement		Excess Vacant Land	
		S.No.	Extent (Sq.mts)	S.No.	Extent (Sq.mts)
11/2A	4150	11/2A1	500	11/2A2	3650

Hence the S.No.11/2A was only sub-divided as 11/2A1, 11/2A2 and not as 11/2A, 11/2A pt, 11/2B. It is a false statement and the Competent Authority, the third respondent has taken action according to the provisions of the Act and hence is according to law. Hence, the contentions of the petitioner are as an afterthought, baseless and untenable.

It is submitted that after issuing notices under the provisions of the Act possession of the excess vacant land was handed over to Revenue authorities on 21.09.1998 well before the Repeal of the Act and hence is saved under Section 3(1)(a) of the Act. As the proceedings had attained finality and no proceedings are pending at the time of Repeal Act. Section 4 of the Repeal Act would not be applicable to in this case. Then necessary changes were made in Taluk / Village Accounts vide 8A/408/1408 dated 29.09.1998 and the land was registered in the name of Government of Tamil Nadu. After completion of acquisition, action was taken to sanction amount payable under Section 12(6) of the Act as per the provisions of the Act. Accordingly, notice under Section 12(7) of the Act was issued in Rc.No.1778/2000/A, dated 04.10.2005. Hence action was taken to pay the amount for the land acquired.

The argument of physical possession cannot be accepted on following grounds:

(i)There is no reference, direction or instruction in the Act and in the Repeal Act to take possession of excess urban land 'Physically' because, practically it is not possible, particularly in the case of acquisition by the Government.

(ii)The Competent Authority could act strictly, according to the procedures laid down in the provisions of the Act alone. Accordingly, he had taken and handed over the land to Revenue Authorities on 21.09.1998.

(iii)In any land transaction, the possession of the land-immovable property would be taken or handed over only by registering documents even by individuals but not by physical possession.

(iv)It may be seen that from the period unknown, "Government Machinery" has been keeping the possession of Government lands (Poramboke lands, Highways, Flyovers, Subways, Public wells, Seashore etc.,) in records. Anyone can use these lands for a particular period and have a physical

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possession but none can claim any right on it for his/her physical possession of that land for that period or for further period. Likewise, the respondent has no right to claim for the said land after taking possession of it by Government in 1998.

(v)Physical possession, if any, by the petitioner, after publication of Notification under Section 11(3), after issue of 11(5) notice, after making necessary changes in Revenue Accounts and after handing over possession by the Government on 21.09.1998 ought to be treated only as an encroachment of Government land, like in "poramboke" land and it is an afterthought and not maintainable.

(vi)Ownership is as recorded in Revenue records and if ownership is claimed merely by registered sale documents fraudulent sales would well lead to illegal ownership. Entries in the records, particularly in the case of Government, (being not as an individual) alone can confirm the right title and possession of the property of the Government.

(vii)Moreover, any details and documents particularly relating to a land are generally verified (for example Survey settlement etc) only on the basis of Government records and for any litigation regarding any land, in fact, Judiciary is always referring Government records for its confirmation. In this case, the Government records have been showing the possession of the land with the Government since 1998.

(viii)The State cannot be treated as like an individual, because the State does not have individual entity to possess the land acquired physically and the possession by the Government can be indicated only through records alone and due to this alone the law makers have not referred about 'Physical' possession in this Act and is similar to the possession of poromboke lands by Government and is maintained like this as stated above.

Hence the contentions of the writ petitioner are false, baseless and not sustainable.

13.The learned counsel Mr.G.Balasubramaniam appearing for the petitioner submits that the petitioner has purchased a portion of land measuring to an extent of 2760 sq. feet, comprised in Survey No.11/2, situated at Tambaram Village under a registered document bearing Registration No.5584 of 1998. Subsequently, the petitioner approached the revenue authorities concerned seeking issue of patta in his name. He was informed that the subject land is under ceiling. Hence, the petitioner made an application on 08.11.2010 for regularisation under G.O.Ms.No.565 dated 26.09.2008, Revenue Department and sought relief under the innocent buyers scheme. Pursuant to the petitioner's application, the third respondent herein issued notice on 03.12.2010 fixing the date of hearing on 22.12.2010 and the same was despatched to the petitioner's residential address at Delhi on 16.12.2010. Due to the short

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notice, the petitioner was unable to appear on the specified date.

14.The very competent counsel had made another application dated 28.06.2012 under the Right to Information Act and had sought details regarding the land ceiling proceedings in respect of the subject matter of property. In response, the Assistant Commissioner, Urban and Ceiling had not furnished the details. Hence, the petitioner made an appeal to the appellate authority. Further, the petitioner had not received any mandatory notices under the Tamil Nadu Urban Land Ceiling Act. However, the petitioner was aware that the land is purportedly vested with the Government. As such, the respondent had committed breach of legal formalities as per the Section 11(5) of the Ceiling Act and violated the principle of natural justice. Further, as per Section 4 of the Repeal Act, the acquisition proceedings had abated. The respondent had not issued notice under Section 9(1) of the Act for declaring the draft statement. The draft statement had not been issued with proper proceedings number. Further, as per the Assistant Commissioner's report, he had handed over the subject land on 21.01.1998 to the Deputy Tahsildar, who is attached to the Revenue Department. However, all the aggrieved persons authorised one agent, who appeared before the third respondent on 29.10.2005.

15.The learned counsel further submits that the respondents had not considered the application properly to find out whether he is an innocent purchaser and as such whether he is entitled to receive relief under the innocent purchasers scheme. Further, the petitioner is in physical possession and enjoying the said property by way of occupation from the date of purchase without any interference. Actually, the erstwhile owner possessed valid title deeds, as such he had executed the valid sale deed after receiving full sale consideration. Hence, the learned counsel entreats the Court to declare that the third respondent's acquisition proceedings had become abated under Section 4 of the Repeal Act and consequently direct the Revenue Authorities / 4th and 5th Respondents to issue patta in the name of the petitioner.

16.The learned Additional Government Pleader Mr.M.S.Ramesh appearing for the respondents submits that the above writ petition has been filed after a lapse of 25 years from the date of sale deed. The third respondent had acquired the subject land under the Urban Land Ceiling Act, who in turn had handed over the said property to the Revenue Authorities. Now, the petitioner is residing at Delhi and he is not in physical possession. One Sivasubramanian had owned lands comprised in Survey Nos.11/24, to an extent of 4150 sq. metres. Against whom the acquisition proceedings had been initiated in the year 1997 and the same was completed after

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observing necessary legal formalities. As per the revenue records and relevant records, it is seen that the property is not standing in the name of the petitioner. The third respondent, after allowing an extent of 500 sq. metres, towards entitlement, acquired the rest of the excess vacant lands to an extent of 3650 sq. metres from the actual owner of the property. Under the circumstances, the petitioner is not entitled to receive any relief including benefit of Repeal Act or under the innocent purchasers scheme. 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 highly competent counsels on either side and on perusing the typed-set of papers, it is seen that the third respondent had issued acquisition proceedings under the Tamil Nadu Urban Land Ceiling Act to the land owner, Mr.Sivasubramanian in the year 1997 and acquired the excess vacant land to an extent of 3650 sq. m., including the subject land. He in turn had handed over the said land to the revenue authorities on 21.01.1998 i.e. before the enactment of Repeal Act. Further, the petitioner approached this Court after a lapse of around 25 years, which is at a belated stage. Therefore, the above writ petition does not generate much force to allow it. Hence, it is dismissed. There is no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Secretary
   Revenue Department,
   Government of Tamil Nadu,
   Fort St. George,
   Chennai - 600 009.

2. The Director (Urban Land Ceiling and Urban Land Tax),
   Ezhilagam, Chepauk,
   Chennai - 600 005.

3. The Assistant Commissioner (Urban Land Ceiling),
   (Tambaram),
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   Chennai - 600 088.

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4. The District Collector,
   Kancheepuram District,
   Collectorate,
   Kancheepuram - 631 501.

5. Tahsildar,
   Taluk Office,
   Tambaram Taluk,
   Tambaram,
   Chennai - 600 045.

+1cc to M/s.Poovayya & Co., Advocate, S.R.No.5308

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