

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJAW.P. No.10553 of 2018
and W.M.P. No.12504 of 20181.A.Chamundeswari
2.T.Mohan
3.V.Bhaghyalakshmi
4.M.Kameshwaran

.. Petitioners

-vs-

1.State of Tamil Nadu,
represented by the
Commissioner of Urban Land
Ceiling and Tax,
Ezhilagam, Kamarajar Salai,
Chepauk, Chennai-600 005.2.The Assistant Commissioner of Urban
Land Ceiling and Tax-Adambakkam,
153, Karuneegar Street,
Adambakkam, Chennai-600 088.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of declaration that the petitioners are entitled to have the benefit of Section 3(2) of the Urban Land Ceiling Repeal Act 1999 in relation to the proceedings of the respondents initiated against the petitioners with relates to the properties mentioned in the petition vide Na.Ka.No.13443/2009/E2 dated 30.12.2009, consequently direct the second respondent to change the revenue records retaining the ownership to the petitioners in respect of the above property.

For Petitioners : Mr.P.Subba Reddy
For Respondents : Mr.D.Surya Narayanan,
Additional Government Pleader

ORDER

This writ petition has been filed seeking declaration that the petitioners are entitled to have the benefit of Section 3(2) of the Urban Land Ceiling Repeal Act 1999 in relation to the proceedings of the respondents initiated against the petitioners vide Na.Ka.No.13443/2009/E2 dated 30.12.2009 and a direction to the second respondent to change the revenue records retaining the ownership to the petitioners in respect of the above property.

2.The case of the petitioners is that originally the property in R.S.Nos.771, 775/3, 776, 777, 779/3, 789 and 790 was obtained by one late Arumugam, who is the husband of first petitioner and father in law of the second petitioner and grand father of third and fourth respondents, as early as in the year 1960 by way of family partition and thereafter he was in absolute possession and enjoyment of the above said property. While so, the Government of Tamil Nadu issued notice under the Urban Land Ceiling Act 1978 informing the petitioners that the excess vacant land mentioned in the show cause notice would be taken over by them. However, after issuance of the notice under the said Act, the respondents had not issued any notice under Section

11(5) of the Act. According to him, the respondents have failed to follow the procedures under the said Act. Hence the present petition has been filed.

3.Learned counsel for the petitioner would contend that even if it is presumed that the respondents had issued notice under Section 11(5) of the Act, the physical possession of the land in question cannot be taken over by them. Therefore, the petitioners are entitled to have the benefit under Section 3(2) of the Repeal Act 1999.

4.This Court is unable to entertain this writ petition for the simple reason that the petitioner has not produced any order passed by the authorities under the Urban Land Ceiling Act showing as to what extent the excess vacant land has been determined. No order determining the land under the said proceedings has been produced. Secondly, the petitioner slept over this matter for about 20 years from the date of the Repeal Act 1999. Hence, this petition fails and the same is dismissed. No costs. Consequently, connected W.M.P. is also dismissed.

26.04.2018

vga

T.RAJA, J.

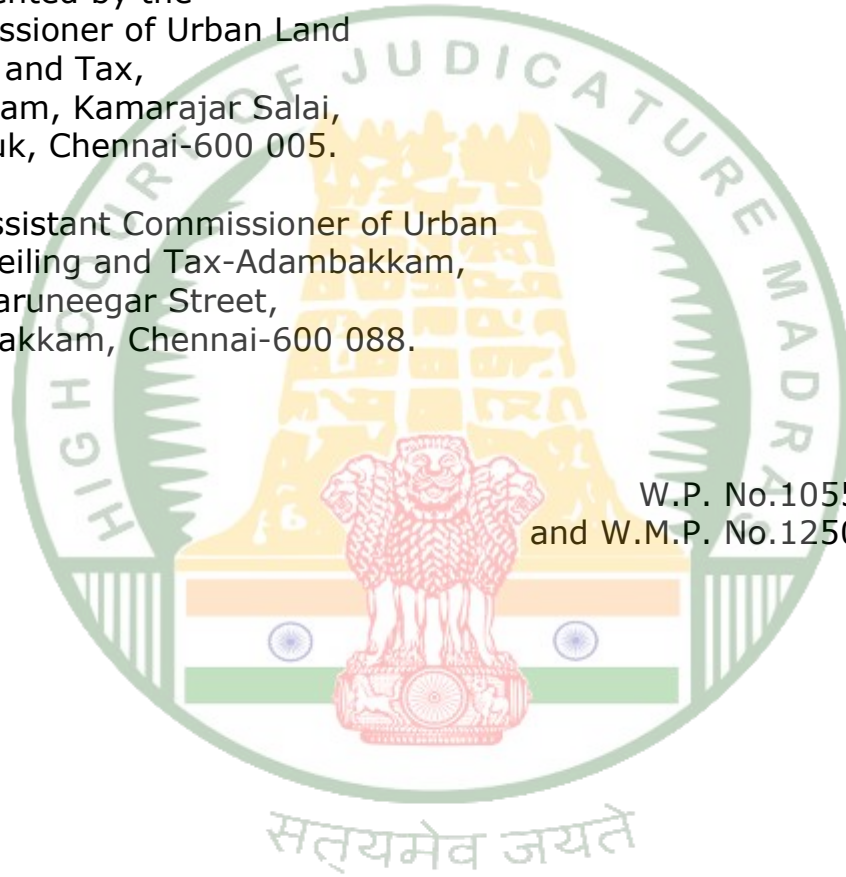
vga

To

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**WEB COPY**

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