

W.P.No.16858 of 2008
and M.P.No.1 of 2011

M.DHANDAPANI. J.,

Today, this matter came up before this Court under the caption
'For Being Mentioned'.

2. Heard the learned counsel for the petitioner.

3. In paragraph Nos.2, 6 and 8 of the order dated 29.07.2019
passed by this Court shall be replaced with the following orders:

"2. The case of the petitioners is that they are
the joint owners of the lands comprised in Survey
Nos.1273/2A, 1273/2B, 1273/2C, 1273/3A,
1273/3B, 1273/3C, 1302, 1303/1, 1303/2,
1308/2C2, 1308/3A, 1308/3B and 1308/3C situated
at Kundathur Village, Sriperumbadur Taluk,
Kancheepuram District and the petitioners are in
joint possession and enjoyment of the same.

6. The learned counsel further submitted that the original notification under Section 11(3) published and subsequent notice under Section 11 clause (5) of that Act was also served to Mr.Jabarullah Khan, requesting him to surrender or deliver possession of the said land to the then Collector of **Kancheepuram** and even the said notice was not served on the land owners. As such, till date, the lands have not been taken possession by the respondents herein. While so, the Tamil Nadu Urban Land Ceiling Act, 1978 was repealed under Repealing Act, 1999 with effect from 16.06.1999. After the Repealing Act came into force, all actions taken under the parent Act would survive only if it is shown that pursuant to the actions taken under the Parent Act, the competent authority who had taken possession of the property, declared it as surplus.

8. A perusal of the records clearly shows that initially, the proceedings were initiated only against

one Nannejohn Sahib, and he died, and thereafter only, a notice under Section 7 Clause (1) of the said Act was issued to Thiru.Jabarullah Khan. The said Jabarullah Khan did not file any statement before the authority and thereafter, all the proceedings were initiated only against Jabarullah Khan. Subsequently, on verification on original records reveal at page No.29 that there are 8 interested persons in the original owners of the said lands and the same are detailed as follows: 1) Karim Khan Sahib 2) Choto Sahib 3) Nawab Sahib 4) Nannejohn Sahib 5) Babun Sahib 6) Shan Basha 7) Majid Khan 8) Amunu Biwi. Further, it reveals that B.Salim, who is the son of Babun Sahib, sent a detailed letter to the Assistant Commissioner of Urban Land Tax and Competent Authority of Urban Land Ceiling, dated 26.06.1992, and the said letter is found in Page No. 147 stating that no notice was sent to him and that, the land ceiling proceedings were initiated against him, which is not sustainable in law. The entire properties not

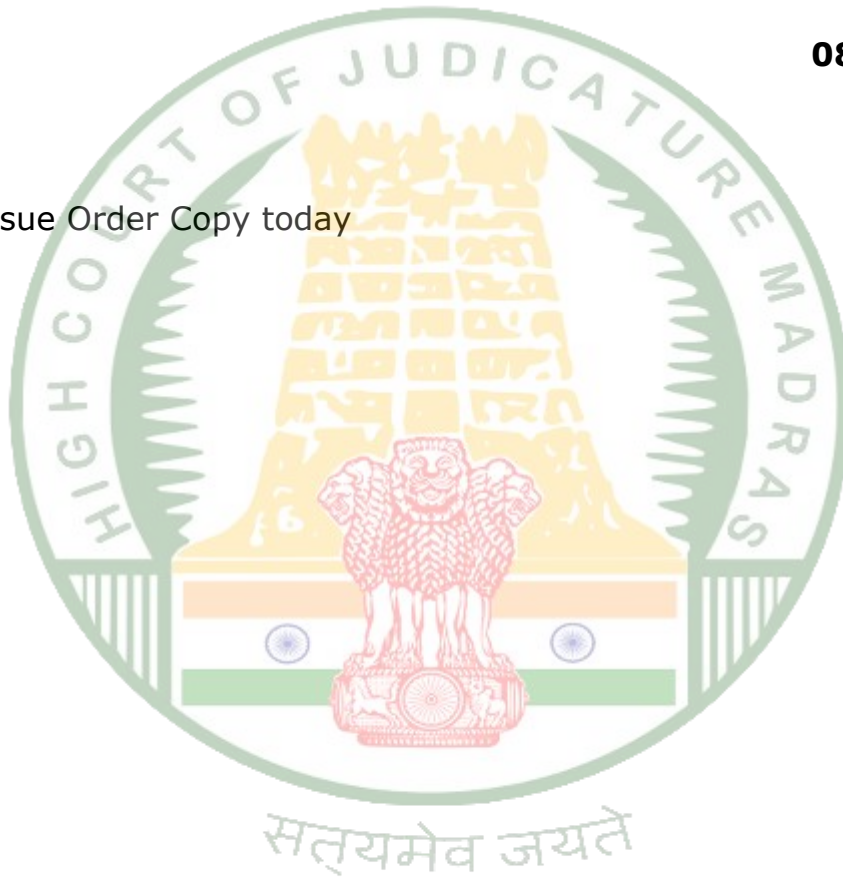
only belonged to one Nannejohn Sahib, but also belong to eight members and that these eight persons are the legal heirs of the Khadher Khan. Though, initially a notice was issued only against Nannejohn Sahib and subsequently, proceedings were initiated against Jabarullah Khan, who is the son of Nannejohn Sahib, which is not sustainable. Pursuant thereto, vide proceedings dated 25.03.1996, sanction was made for payment to Thiru.Jabarullah Khan being the amount determined under Section 12 Clause (6) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act and the lands were deemed to have been acquired under Section 11 Clause (3) of the Act with effect from 01.06.1993, and that the date specified in notification under Section 11 Clause (3) of the Act published in the Tamil Nadu Government Gazette dated 28.04.1993, which is also not unsustainable."

4.Registry is directed to change the above mentioned paragraph Nos.2, 6 and 8 of the order dated 29.07.2019 and issue fresh order copy to the parties.

08.01.2020

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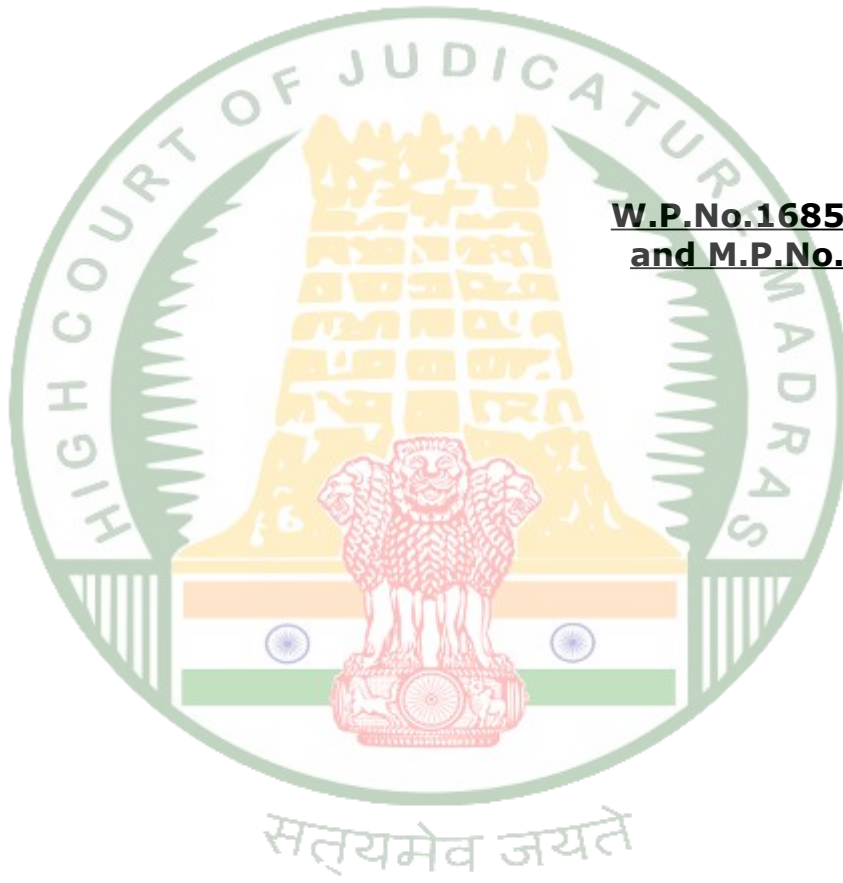
Note: Issue Order Copy today



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M.DHANDAPANI. J.,

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