

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.33381 of 2005
and
WP.MP.No.36345 of 2005

Vijaya Productions Private Ltd.,
Rep. By Director,
Mr.G.Sabanayagam,
183, N.S.K. Salai,
Vadapalani,
Chennai-26. Petitioner

Vs

1.State of Tamilnadu,
rep. by its Special
Commissioner and
Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-9.

2.The Principal Commissioner
and Commissioner of land
Reforms, Chepauk,
Chennai-5.

3.The Competent Authority,
Urban Land Ceiling,
Arcot Road,
Kodambakkam,
Chennai-24.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari or any other appropriate writ or order or direction in the nature of writ calling for entire records pertaining to the impugned G.O.No.346 dt.26.07.2004 on the file of the 1st Respondent and consequent notice in Ro/C/1304/91 dt.23.08.2005 on the file of the 3rd Respondent and quash the same.

For Petitioner : Mr.P.B.Balaji

For Respondents : Mrs. K. Bhuvaneswari, AGP

O R D E R

It is not in dispute that the notice under Section 9(5) of Tamil Nadu Urban Land (Ceiling and Regulation Act) was issued after the date of repeal of the Act i.e., 16.06.1999. The Government in G.O.Ms.No.111/Revenue (ULC)(1) Department dated 03.03.2007, has clarified that all actions taken under sub Section(2) of Section 21 of the of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Tamil Nadu Act 24 of 1978), shall stand abated and further actions be dropped.

2.Since the proceedings under the Act have not been completed before the date of repeal, the present impugned order, recalling the exemption granted, cannot be sustained.

3.In the light of the above observations, the order of the first respondent in G.O.No.346 dated 26.07.2004 and the consequent notice in Ro/C/1304/91 on the file of the third respondent dated 23.08.2005, are quashed. Accordingly, the writ Petition stands allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Special Commissioner and
Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-9.

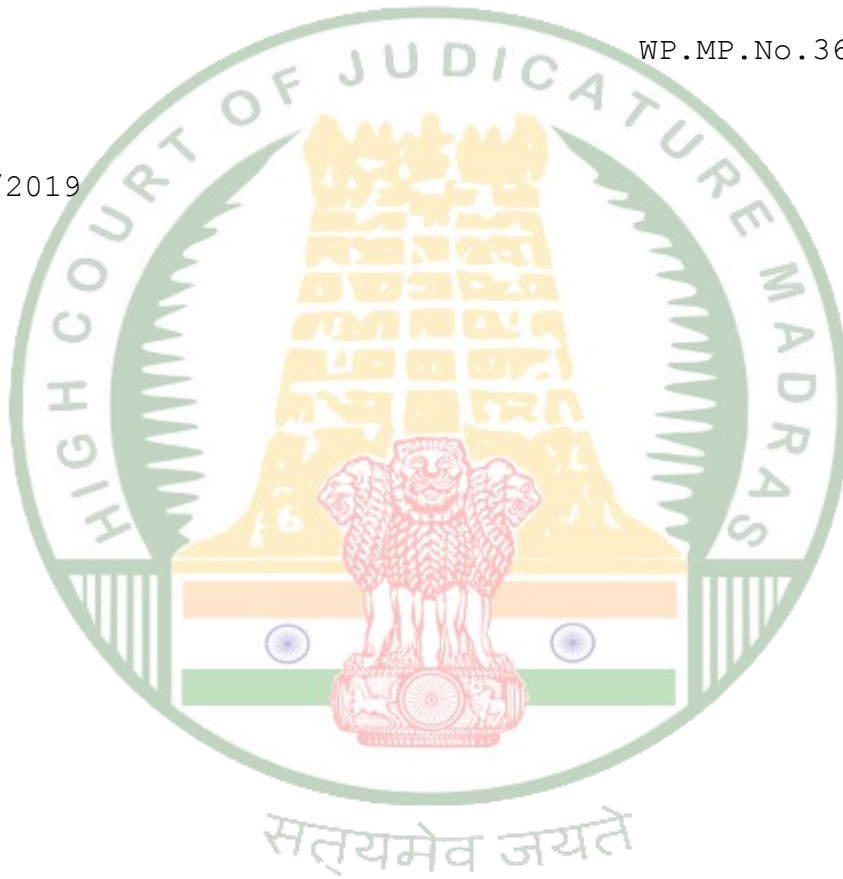
2.The Principal Commissioner
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Reforms, Chepauk,
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3.The Competent Authority,
Urban Land Ceiling,
Arcot Road,
Kodambakkam,
Chennai-24.

+1cc to Mr.P.B.Rajanujam, Advocate Sr.34629
+1cc to the Government pleader Sr.34714

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srg 01/07/2019



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