



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A(MD)NO.487 OF 2019
and
C.M.P(MD)No.4096 of 2019

- 1.The Secretary to Government,
Revenue Department,
Fort St.George,
Madras - 600 009.
- 2.The Principal Commissioner and
Commissioner of Land Reforms,
Chepauk,
Madras -5.
- 3.The Assistant Commissioner of Urban
Land Tax and Competent Authority of Urban
Land Ceiling,
Tirunelveli Area
at Tirunelveli.
- 4.The Tahsildar,
Palayamkottai Taluk,
at Palayamkottai.

:Appellants/Respondents

.vs.

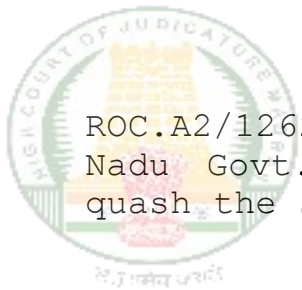
Abdul Khader

: Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.11020 of 2005, dated 25.2.2011.

Prayer in WP(MD) . 11020/ 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, call for the entire records relating to the impugned order passed by the 3rd respondent in his Proc.Form VI in



ROC.A2/1262/90 dt 13/12/1990 the same was published in the Tamil Nadu Govt. Gazette No. 2 Part-VI-Section-1 dt. 09/01/1991 and quash the same.

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For Appellants

:Mr.VR.Shanmuganathan
Special Govt.Pleader

For Respondent

:Mr.T.A.Ebenezer

JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU,J.**]

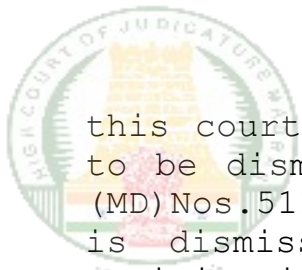
The Writ Appeal is directed against the order in W.P(MD) No.11020 of 2005, dated 25.2.2011, wherein and whereby, the Writ Court disposed the Writ Petition by holding that in view of Section 4 of the Tamil Nadu Urban Land(Ceiling and Regulation) Repeal Act, 1999, making the legal proceedings abated, nothing survives for adjudication in this matter further.

2.It is seen that arising out of the said common order passed by the Writ Court, one Writ Appeal filed in W.A(MD)No.11436 of 2016 arising out of W.P(MD)No.11637 of 2005, was dismissed by this Court on 5.7.2019 by confirming the findings of the Writ Court.

3.The Writ Court pointed out that take over of the possession is complete only when it is signed by the land owner in the Land Delivery Receipt while delivering the excess land pursuant to notice as per Section 11(5) of the Tamil Nadu Urban Land(Ceiling and Regulation) Repeal Act, 1999 and that the 'Take Over' ought to be established by getting the signature from the independent witnesses and by preparing Panchanama etc. The further observations made therein is that the possession in paper is not a complete take over of possession.

4.The very same issue was already considered by this Bench in a recent order made in W.A(MD)Nos.511 to 521 of 2019, dated 12.6.2019, wherein, it was held that mere symbolic possession cannot be considered as a real physical possession and therefore, the Possession Certificate unilaterally signed by the Revenue Officials cannot come to the rescue of the authority to claim it as a physical possession.

5.The present facts and circumstances of this case squarely fall within the principles laid down in the above-said decision which in fact, is rendered following the earlier orders passed by



this court. Accordingly, we find that this Writ Appeal is liable to be dismissed in the light of the order already passed in W.A (MD) Nos. 511 to 521 of 2019, dated 12.6.2019. Thus, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The Secretary to Government,
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- 4.The Tahsildar,
Palayamkottai Taluk,
at Palayamkottai.

+1 CC to Mr.T.A.EBENEZER, Advocate SR-76479.

+1 CC to SPL GP SR-76590.

JUDGMENT MADE IN
W.A (MD) NO. 487 OF 2019
and
C.M.P (MD) No. 4096 of 2019
19.07.2019

CS (29.07.2019) 3P 7C