

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

W.P. Nos.15856, 15859 and 15860 of 2007
and
1 & 2 of 2007, 1 & 2 of 2007, 1 & 2 of 2007,
1 & 1 of 2010

Chellapillai ... Petitioner
in W.P.No.15856 of 2007

R.Bharathi ... Petitioner
in W.P.No.15859 of 2007

N.Ranganathan ... Petitioner
in W.P.No.15860 of 2007

Vs.

1.The Special Commissioner &
Commissioner Land Reforms,
Chepauk, Chennai - 600 005.

2.The Assistant Commissioner/U.L.T.
Competent Authority (Urban Land Ceiling)
Ambattur, E.V.R.Buildings,
Aminjikarai, Chennai.

3.The Tahsildar,
Ambattur Taluk,
Ambattur,
Chennai -600 053.

... Respondents
in all writ petitions

Prayer in W.P.No.15856 of 2007: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondents especially the order of the 2nd respondent dt 30.4.97 vide Na.Ka.3401/96/A1 under section 9(5) and notice dt 29.10.98 vide 3401/96/A2 under section 11(5) of the Tamilnadu urban Land (ceiling and Regulation) Act 1978 in respect of lands in survey No.42/1A measuring an extent of 19 cents 37/5 measuring an extent of 27 cents and 43/1A3 measuring an extent of 7 cents of Pandeswaram village, Ambattur tk., Tiruvallur Dist., and quash the same and treat the proceedings as abated under section 4 of the Tamilnadu Urban Land (ceiling & Regulation) Repeal Act (Act 20/99) so as to enable the 3rd respondent to correct the entries in their records.

Prayer in W.P.No.15859 of 2007: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondents especially the order of the 2nd respondent dt 30.4.97 vide Na.Ka.3409/96/A1 under section 9(5) and Notice dt 25.9.98 vide 3409/96/A2 under section 11(5) of the Tamilnadu urban Land (ceiling and Regulation) Act 1978, in respect of lands in survey Nos.42/4 and 43/1B3 measuring 2300 sq.mts of Pandeswaram village, Ambattur tk., Tiruvallur Dist. and quash the same and treat the proceedings as abated under section 4 of the Tamilnadu Urban Land (ceiling & Regulation) Repeal Act (Act 20/99) so as to enable the 3rd respondent to correct the entries in their records.

Prayer in W.P.No.15860 of 2007: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondents especially the order of the 2nd respondent dt 30.4.97 vide Na.Ka.3410/96/A1 under section 9(5) and Notice dt 25.9.98 vide 3410/96/A2 under section 11(5) of the Tamilnadu urban Land (ceiling and Regulation) Act 1978 in respect of lands in survey Nos.42/4 and 42/6 measuring 4900 sq.mts of Pandeswaram village, Ambattur tk. Tiruvallur Dist. and quash the same and treat the proceedings as abated under section 4 of the Tamilnadu Urban Land (ceiling & Regulation) Repeal Act (Act 20/99) so as to enable the 3rd respondent to correct the entries in their records.

For Petitioner : Mr.V.Ramesh
in all writ petitions

For Respondents : Ms.Narmadha Sampath
Additional Advocate General
assisted by
Ms.A.Madhumathi
Special Government Pleader
in all writ petitions

C O M M O N O R D E R

In all these cases, it is admitted that the proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, were initiated against dead persons. Though it is stated that possession was taken prior to the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act, 1999, (Act 20/99), it is stated by the petitioner that physical possession was not taken from the petitioner who is lawfully entitled to claim ownership and be in possession in the property.

2.Under such circumstances, it is well settled that proceedings initiated against dead persons are void and that may not bind the successors in interest. The notice under

Section 11(5) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, was not issued to the petitioner herein, who was in possession of the property. Symbolic possession may not be of any assistance to the respondent to establish that proceedings had completed under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, when the land was in physical possession of petitioners and no notice was issued to the petitioners in the respective writ petitions.

3.Hence, this Court considering the facts in all these three cases, is of the view that there cannot be a direction for fresh proceedings. By virtue of Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act, 1999, (Act 20/99), the proceedings stand abated, and hence, the petitioners in all these three writ petitions are entitled to succeed. The writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

4.The Tahsildar concerned is directed to effect mutation in tune with this order so that the petitioners' names find place in the revenue records as owners.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

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To

1.The Special Commissioner &
Commissioner Land Reforms,
Chepauk, Chennai - 600 005.

2.The Assistant Commissioner/U.L.T.
Competent Authority (Urban Land Ceiling)
Ambattur, E.V.R.Buildings,
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JPL (CO)
GN (03/05/2021)

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