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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.15908 to 15910 of 2013

W.P.No.15908 of 2013

P.Jayaraman

... Petitioner

Vs.

1. The Government of Tamil Nadu,  
represented by the Secretary to Government,  
Revenue Department,  
Secretariat,  
Fort St.George,  
Chennai - 600 009.
  2. The Special Commissioner & The Commissioner,  
of Land Reforms (Urban Land Ceiling & Urban Land Tax),  
Ezhilagam,  
Chennai - 600 005.
  3. The Assistant Commissioner of Urban Land Ceiling (Salem),  
O/o.The Assistant Commissioner of Urban Land Ceiling,  
Near Fire Service Station,  
Erode.
  4. The Tahsildar,  
Salem Taluk,  
Salem.
- ... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration, declaring that the proceedings initiated under Urban Land Ceiling Act, against the petitioner's property consists of building and land having an extent of 5236 sq.ft in two portions (1035 sq.ft + 4201 sq.ft), comprised in Town Survey Nos. 181/3, 182/5 and 182/6 (Old Survey No.135/7 Part) as per Survey Settlement, (formerly part of Survey No.135/7 etc.), Alagapuram Pudur Village, within Salem Taluk and District, situated within the limit of Corporation of Salem, is null and void and stands abated in view of Section 3



(1) of Tamil Nadu Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 with a consequential direction to the respondents to effect mutation in the revenue records by entering the petitioner's name as absolute owner of the said property and enabling him to get patta in his name in respect of the said property, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.Ajay Francis Inigo Iyola

For Respondents: Mr.Richardson Wilson  
Government Advocate

W.P.No.15909 of 2013

R.Malliga

... Petitioner

Vs.

1. The Government of Tamil Nadu,  
represented by the Secretary to Government,  
Revenue Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.
2. The Special Commissioner & The Commissioner,  
of Land Reforms (Urban Land Ceiling & Urban Land Tax),  
Ezhilagam, Chennai - 600 005.
3. The Assistant Commissioner of Urban Land Ceiling (Salem),  
O/o.The Assistant Commissioner of Urban Land Ceiling,  
Near Fire Service Station, Erode.
4. The Tahsildar,  
Salem Taluk, Salem.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration, declaring that the proceedings initiated under Urban Land Ceiling Act, against the petitioner's land having an extent of 1824 sq.ft comprised in Town Survey Nos. 181 and 182 with Sub-Division Nos.181/2 and 181/4 (Old Survey No.135/7 Part) as per Survey Settlement, (formerly part of Survey No.135/7 etc.), Alagapuram Pudur Village, within Salem Taluk and District, situated within the limit of Corporation of Salem, is null and void and stands abated in view of Section 3 (1) of Tamil Nadu Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 with a consequential direction to the respondents to effect mutation in the revenue



records by entering the petitioner's name as absolute owner of the said property and enabling her to get patta in her name in respect of the said property, within a reasonable time to be fixed by this Court.

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For Petitioner : Mr.Ajay Francis Inigo Iyola

For Respondents: Mr.Richardson Wilson  
Government Advocate

W.P.No.15910 of 2013

T.Anathanayagi

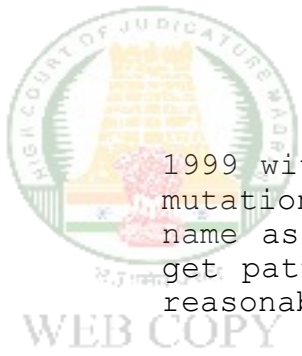
... Petitioner

Vs.

1. The Government of Tamil Nadu,  
represented by the Secretary to Government,  
Revenue Department,  
Secretariat,  
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O/o.The Assistant Commissioner of Urban Land Ceiling,  
Near Fire Service Station,  
Erode.
  4. The Tahsildar,  
Salem Taluk,  
Salem.
- ... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration, declaring that the proceedings initiated under Urban Land Ceiling Act, against the petitioner's land having an extent of 2145 sq.ft comprised in Town Survey Nos. 181/3, 181/5 and 185/6 (Old Survey No.135/7A part) as per Survey Settlement, (formerly part of Survey No.135/7 etc.), Alagapuram Pudur Village, within Salem Taluk and District, situated within the limit of Corporation of Salem, is null and void and stands abated in view of Section 3 (1) of Tamil Nadu Urban Land (Ceiling and Regulation) (Repeal) Act,



1999 with a consequential direction to the respondents to effect mutation in the revenue records by entering the petitioner's name as absolute owner of the said property and enabling her to get patta in her name in respect of the said property, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.Ajay Francis Inigo Iyola

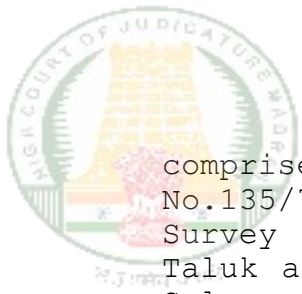
For Respondents: Mr.Richardson Wilson  
Government Advocate

#### C O M M O N     O R D E R

W.P.No.15908 of 2013 has been filed seeking to declare that the proceedings initiated under Urban Land Ceiling Act, against the petitioner's property consists of building and land having an extent of 5236 sq.ft in two portions (1035 sq.ft + 4201 sq.ft), comprised in Town Survey Nos. 181/3, 182/5 and 182/6 (Old Survey No.135/7 Part) as per Survey Settlement, (formerly part of Survey No.135/7 etc.), Alagapuram Pudur Village, within Salem Taluk and District, situated within the limit of Corporation of Salem, is null and void and stands abated in view of Section 3 (1) of Tamil Nadu Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 with a consequential direction to the respondents to effect mutation in the revenue records by entering the petitioner's name as absolute owner of the said property and enabling him to get patta in his name in respect of the said property, within a reasonable time to be fixed by this Court.

2. W.P.No.15909 of 2013 has been filed to declare that the proceedings initiated under Urban Land Ceiling Act, against the petitioner's land having an extent of 1824 sq.ft comprised in Town Survey Nos. 181 and 182 with Sub-Division Nos.181/2 and 181/4 (Old Survey No.135/7 Part) as per Survey Settlement, (formerly part of Survey No.135/7 etc.), Alagapuram Pudur Village, within Salem Taluk and District, situated within the limit of Corporation of Salem, is null and void and stands abated in view of Section 3 (1) of Tamil Nadu Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 with a consequential direction to the respondents to effect mutation in the revenue records by entering the petitioner's name as absolute owner of the said property and enabling her to get patta in her name in respect of the said property, within a reasonable time to be fixed by this Court.

3. W.P.No.15910 of 2013 has been filed seeking to declare that the proceedings initiated under Urban Land Ceiling Act, against the petitioner's land having an extent of 2145 sq.ft



comprised in Town Survey Nos. 181/3, 151/5 and 185/6 (Old Survey No.135/7 part) as per Survey Settlement, (formerly part of Survey No.135/7 etc.), Alagapuram Pudur Village, within Salem Taluk and District, situated within the limit of Corporation of Salem, is null and void and stands abated in view of Section 3 (1) of Tamil Nadu Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 with a consequential direction to the respondents to effect mutation in the revenue records by entering the petitioner's name as absolute owner of the said property and enabling her to get patta in her name in respect of the said property, within a reasonable time to be fixed by this Court.

4. The case of the petitioners is that the petitioner in W.P.No.15908 of 2013 is the absolute owner of the property consisting of land and building admeasuring 5236 sq.ft in two portions (1035 sq.ft + 4201 sq.ft), comprised in Town Survey Nos.181/3, 182/5 and 182/6 (Old Survey No.135/7A Part) as per Survey Settlement, (formerly part of Survey No.135/7 etc.), Alagapuram Pudur Village, within Salem Taluk and District, situated within the limit of Corporation of Salem, within the Sub-Registration District of Suramangalam (Earlier No.1, Joint Sub-Registrar, Salem) and Registration District of Salem East. The petitioner in W.P.No.15909 of 2013 is the absolute owner of the vacant site property admeasuring 1824 sq.ft. (32 ft. length from East to West on the Northern and Southern sides; 57 ft. length from South to North on the Eastern and Western sides) comprised in Town Survey Nos.181 and 182 with Sub-Division Nos.181/2 and 181/4 (Old Survey No.135/7 Part) as per Survey Settlement, (formerly part of Survey No.135/7 etc.), Alagapuram Pudur Village, within Salem Taluk and District, situated within the limit of Corporation of Salem, within the Sub-Registration District of Suramangalam (Earlier No.1, Joint Sub-Registrar, Salem) and Registration District of Salem East. The petitioner in W.P.No.15910 of 2013 is the absolute owner of the vacant site property admeasuring 2145 sq.ft (30 ft. length from East to West on the Northern side; 30 ft. length from East to West on the Southern side; 71 ½ ft. length from South to North on the Eastern side and 71 ½ ft. length from South to North on the Western side) Comprised in Town Survey Nos.181/3, 181/5 and 182/6 (Old Survey No.135/7A Part) as per Survey Settlement, (formerly part of Survey No.135/7 etc.), Alagapuram Pudur Village, within Salem Taluk and District, situated within the limit of Corporation of Salem, within the Sub-Registration District of Suramangalam (Earlier No.1, Joint Sub-Registrar, Salem) and Registration District of Salem East.

5. While that being so, the fourth respondent, by an order dated 02.03.2011, on the application submitted by the petitioners for their respective lands to issue separate patta to them by approved the sub-divisions as per their respective



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sale deeds, after making the field inspection, by confirming the physical possession pursuant to the respective deeds. The Assistant Commissioner of Corporation of Salem also issued an extract in Form No.69 from Town Survey Register dated 29.03.2011, which contains the names of the petitioners and the owners of the respective properties. When the petitioners approached the Revenue Officials to make necessary mutation in the Village Records, they were informed that the properties were subjected to Urban Land Ceiling Proceedings and mutation would not be done until "no objection" is issued by the Urban Land Ceiling Authority, viz., the third respondent herein. In the same proceedings, connected parties have already approached this Court in W.P.No.4102 of 2003 in respect of the property comprised in S.No.135/11 and it was allowed by this Court by an order dated 20.07.2012. In fact, the entire lands comprised in S.Nos.135/7 and 135/11 measuring 6712 sq.mts were sought to be acquired under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, which had already been sold away even before initiation of the proceedings. The erstwhile owner, viz., Seeranga Goundar sold out the property even before 28.02.1992. Hence, the entire proceedings are vitiated and sought for quashment of the said proceedings with consequential direction to effect mutation of the Revenue Records by entering the petitioners' name as absolute owners of their respective properties.

6. The learned counsel for the petitioners submitted that the petitioners are in peaceful possession of their respective properties and even till today, no compensation was paid to them by the respondents. He further submitted that if the original owner refuses to part with the possession under Section 11 (5) of the Principal Act, under Section 11 (6) there is power to take possession and if such provision is not resorted to and in the meantime, the repealing Act has come into existence, the proceedings under the Principal Act should be deemed to have abated. Further, as the petitioners surrendered possession on their own, then the respondents ought to have taken possession, under Section 11 (6) of the Principal Act and whenever an urban land owner fails to surrender possession as demanded under Section 11 (5) of the Act, then the competent authority may take possession of the land and may, for that purpose, use such force as may be necessary. He further submitted that the petitioners would not fall within the category of innocent buyer scheme, since they are in physical possession and enjoyment of their respective properties. The subject properties are not under any physical acquisition. Even according to the respondents, the notice was issued to the said Seeranga Gounder. No such notice was served as per the prescribed law. According to the respondents, on 24.02.1992 under Section 9 (4) of the Original Act, a notice was again issued, whereas, in the month of



February 1992, the subject properties were not in possession of the said Seeranga Gounder, since those lands were sold on 25.05.1979 itself by the registered Document No. 2655 of 1979. Thereafter, the purchaser again sold the said lands to one Muniappan and thereafter, to one Eswari. In fact, the said Seeranga Gounder died in the year 1981 itself. Therefore, no notice was served on the petitioners. In this regard, the learned counsel for the petitioners relied upon the judgment of this Court reported in 1993 (1) MLJ 217 (Muthuswamy -vs- The State of Tamil Nadu) and this Court held that the grievance, made in absence of notice as well as the manner of issue of notification and the declaration under Section 6 of the Act in so far as it relates to the land of the petitioners in W.P.No.14595 of 1990 deserves to be sustained. Further, he relied upon a judgment of this Court reported in 1997 (III) CTC 605 (M.J.Saravanaperumal -vs- State of Tamil Nadu) and this Court held that the notification issued in the name of a dead person, is liable to be dismissed. The learned counsel for the petitioners also relied upon a judgment of a Division Bench of this Court reported in 2006 (3) MLJ 389 (Savithiriammal -vs- State of Tamil Nadu) and this Court held that the notification issued in the name of dead person is a nullity and the proceedings cannot be continued based on the said notification. He further relied upon a judgment of a Division Bench of this Court reported in 2007 (2) CTC 225 (State of Tamil Nadu -vs- A.Kandaswamy), in which it has been held as follows:-

"10.....Another grave fault, which I have noticed in land acquisition proceedings is that there is tendency to by-pass one of the most important requirements, namely, service of the notices, etc. I found that in some cases, in their hurry, without ascertaining ownership of the land, there has been a tendency for service by affixtures, which normally, should be the last resort. This is highly reprehensible. It does not give the land-owner a chance to make a representation. The District Revenue Officers and the Collectors should look into this and see these are avoided in future."

7. He further submitted that in fact, the petitioners were issued Patta, electricity service connection receipts, vacant site tax receipts, property tax receipts and other Revenue dues which were regularly paid by the petitioners and as such, the entire proceedings are vitiated under the Urban Land (Ceiling and Regulation) Act and the same is null and void.

8. Per contra, the learned Government Advocate submitted that the third respondent filed counter affidavit stating that the petitioners purchased their respective properties in the



years 2009, 2011 and 2011. Therefore, the petitioners have no locus standi to question the acquisition proceedings which attained a finality on 10.05.1999 itself, i.e. well before the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999. Therefore, the said Repeal Act would not have any effect on the above acquisition. The acquisition is saved under Section 3(1) (a) of the Repeal Act. He further stated that all the deeds executed in favour of the petitioners, are not valid under Section 6 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (hereinafter referred to as 'the Act' for short). The Government issued order to alleviate the sufferings of the people who had unknowingly purchased the acquired lands by G.O.Ms.No.565, Revenue Department dated 26.09.2008, to regularize the lands so purchased under innocent buyers category, subject to the conditions specified under which the petitioners can apply and get their purchase regularized. Therefore, these Writ Petitions are not maintainable and they are liable to be dismissed. He further stated that the said Seeranga Gounder owned an extent of 8212 sq.mts in S.Nos.137/7 and 135/11 situated in Agalapuram Pudur Village in Salem Urban Agglomeration who failed to file Return under Section 7(1) of the Act. Therefore, the third respondent issued notice under Section 7 (2) of the Act to the said Seeranga Gounder. On receipt of the same, no objections were received from him within the stipulated period and as such, the draft statement under Section 9 (1) of the Act along with a notice under Section 9 (4) of the Act was issued to the land owner on 24.02.1992, thereby calling upon objections, if any, for the proposed acquisition of excess vacant land held by him. Neither the said Seeranga Gounder, nor his representative, failed to file any objection. The order was passed under Section 9 (5) of the Act for acquisition of excess vacant land admeasuring 6712 sq.mts., out of total extent of 8212 sq.mts., after allowing 1500 sq.mts towards land owner's family entitlement. The final statement under Section 10 (1) of the Act was issued to the land owner on 31.10.1994. The notification under Section 11 (1) of the Act was issued on 31.08.1997, and it was published in Part-VI, Section-1 in the Tamil Nadu Government Gazette No.47, dated 03.12.1997. Thereafter, the notification under Section 11 (3) of the Act was issued on 06.02.1998 and published in the Government Gazette No.12, dated 01.04.1998. The notice under Section 11 (5) of the Act was issued on 12.03.1999 to surrender or deliver the possession of excess vacant land. Accordingly, the changes were carried out in the Revenue Records. Since the urban land owner did not come forward to surrender the acquired excess vacant land, the possession of the said acquired land was taken over by the Zonal Deputy Tahsildar No.1, Salem on 10.05.1999. The compensation amount of Rs.10,125/- was fixed and payable under Section 12 (6) of the Act for the acquired excess vacant land from the land owner. The urban land owner did not file any



appeal as against the acquisition proceedings at that time. That apart, BSNL requested to allot the said acquired lands for the construction of buildings and staff quarters for itself. On the recommendation of the Allotment Committee, necessary proposals were sent to the Government and the same is under consideration of the first respondent. He further submitted that insofar as the order passed by this Court in W.P.No.4102 of 2003 dated 20.07.2012, the same is under appeal before this Court. Therefore, he prayed for dismissal of these Writ Petitions.

9. Heard the learned counsel for the petitioners as well as the learned Government Advocate appearing for the respondents.

10. The petitioners have purchased their respective properties as detailed in the preceding paragraphs of this order.

11. The specific case of the petitioners is that the person who was allegedly served notice viz., the said Seeranga Gounder on 24.02.1992 was under Section 9 (4) of the Act, whereas, he died in the year 1981 itself. Admittedly, the said Seeranga Gounder sold out the subject property by way of registered sale deed dated 25.05.1979, vide Document No. 2655 of 1979. In turn, the purchaser of the said property sold out the subject property by the sale deed dated 11.04.1983, registered vide document No.641/983 on the file of the Sub Registrar Office, Suramangalam. Therefore, the subject properties were sold out by the said Seeranga Gounder as early as in the year 1979 itself. In fact, the other persons who purchased the land comprised in S.No.135/11 have already filed the Writ Petition before this Court in W.P.No.4102 of 2003 on 20.07.2012 and this Court allowed the Writ Petition and the relevant portion of the order, which reads as follows:-

"15. Perusal of the record shows that the Village Administrative Officer, Alagapuram Pudur, Salem has found that the addressee viz., Seeranga Gounder had sold away the property and settled in some other place and therefore, finding it difficult to serve the notice on the said person, due to non availability of the correct address, has affixed the notice under Section 9(4) of the Act dated 24.02.1992 in the last known residential address on 28.02.1992, in the presence of two witnesses. On 28.02.1992, it was also noticed by the Village Administrative Officer, Alagapuram Pudur, Salem Taluk that after the sale of the properties, S.No.135/7 and 135/11, mutation has been effected in the revenue records and Mr.Seeranga Gounder, no longer continued to be pattadar. There is also a note in the file that the above said property has been sub divided and mutation has been effected in



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the name of many individuals. Thus, it could be seen that even at the threshold, when the properties in S.No.135/7 & 135/11, both measuring 0.82.12 h.a.sq.mts, land to an extent of 0.67.12 h.a.sq.mts., was found to be in excess by the competent authorities, a notice was sought to be served on the original owner of the property, who had already sold away the properties and that mutation had also been made in the revenue records. As per the determination made by the competent authority, the eligibility was 0.15.00 h.a.sq.mts and the excess vacant land was 0.67.12 h.a.sq.mts. When the property had already been sold out and sub divided with necessary mutation in the revenue records in the name of several persons, Mr.Seeranga Gounder had no longer owned any excess land, on the date of initiation of the proceedings under the Act.

17. Files further disclose that though, the lands in S.No.135/7 and 135/11 have been sold to third parties and mutation had also been effected, even prior to 28.02.1992, as per the version of the Village Administrative Officer, Algapuram Pudur, Salem and service by affixture dated 28.02.1992 was made on the erstwhile land owner as per the provisions of the Act and Rules, on the premise that the affixture stated supra had been done properly, and that no objections have been raised by the erstwhile owner Sreeranga Gounder vide Proceedings in SR.No.7/92 dated 24.02.1992, an extent of 6712 sq.mts have been determined as excess land and an order under Section 9 (5) has been passed. The above said order has been once again served by affixture on 06.05.1992 by the Village Administrative Officer in the last known residence of Seeranga Gounder.

18. The service of the order in the above manner done by the Kattalai Sevagar has not been accepted. Therefore, the Assistant Commissioner of Urban Land Ceiling, Salem by a memo No.R.6/92(A1) dated 07.06.1993, has directed a Kattalai Sevagar to serve the order dated 21.04.1992 passed under Section 9(5) of the Act with proper address and then submit the acknowledgment with proper address before 14.06.1993, failing which appropriate action would be taken against him. Thereafter, the Kattalai Sevagar Mr.Mohan has submitted a report to the Assistant Commissioner of Urban Land Ceiling, Salem on 05.03.1993, stating that as Thiru.Seeranga Gounder had already expired, notice was attempted to be served on his legal



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representatives, for which, steps were also taken, but they refused to receive the notice. Along with his report, he had furnished the addresses of the legal representatives of the deceased Seeranga Gounder, the erstwhile owner of the property.

20. From the above, it is apparent that even though the competent authority was aware of the fact that the lands in S.No.135/7 and 135/11 measuring 6712 sq.mts., sought to be acquired under the Act had already been sold away even before initiation of the proceedings, with consequential mutation effected in the revenue records and having found fault with the manner of service of order under Section 9(5) with a caution that it should be served on the concerned, with proper address and after receipt of a report dated 05.03.1993 from the Kattalai Sevagar that the original owner Mr.Seeranga Gounder had already expired and therefore, notice was sought to be served on his legal representatives, and once again not satisfied with the affixture made in the last known residence, issued a memorandum in S.R.No.7/92 (A1) 07.06.1993, directing the Kattalai Sevagar to submit a report before 14.06.1993, has passed final order dated 31.10.1994 under Section 10(1) of the Act and directed the Kattalai Sevagar to serve on Mr.Seeranga Gounder, who is no longer the owner of the property. The notification under Section 10(1) of the Act said to have been passed by the competent authority against a dead person Seeranga Gounder, is a nullity. Knowing fully well that he had expired even before the passing of this order, the authorities has directed the order to be served on him. Thereafter, a gazette notification has been made under Section 11(3) of the Act in Tamilnadu Government Gazette No.VI(1)452/98 in pages 431 & 432 dated 01.04.1998.

24. Files disclose that on 01.10.2002, the Assistant Commissioner of Urban Land Ceiling, Salem has submitted a report to the The Special Commissioner & The Commissioner of Land Reforms (Urban Land Ceiling and Urban Land Tax), Chennai, reiterating that there are encroachments and recommended for allotment to BSNL.

25. First of all, on 24.02.1992, when a notice was issued under Section 9(4) of the Act, it was found that the subject lands owned by Thiru.Seeranga Gounder, had already been sold away by him to third parties, which were lateron sub divided and that



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mutation has also been effected in the revenue records. Despite the note put up by the Village Administrative Officer, Alagapuram Pudur, a final order has been passed under Section 9(5) of the Act, against Thiru.Seeranga Gounder, who by that time was no longer the owner of the property. Further, when the service by affixture of the order under Section 9 (5) of the Act had been found to be faulty and when there was also a note by the Kattalai Sevagar to the effect that Thiru.Seeranga Gounder had already died, committing the very same mistake, the competent authority, had passed the final notification under Section 10(1) of the Act against a dead person. After passing this order, it was also intended to be served on the dead person. Thereafter, a notice under Section 11(5) of the Act was also intended to be served on the dead person. Finally, a transaction had been recorded as if possession has been taken and recorded between one C.Prakasam, Special Deputy Tahsildar (ULT), Office of the Assistant Commissioner (ULT) and the Zonal Dy. Thasildar, Salem. At this juncture, this Court is of the view that the order made against, a dead person and the alleged service of notice to the dead person cannot be considered as a valid or service, in the eye of law.....

28. Even as per the reports of the Competent authority there were about 14 occupants on the date when possession is alleged to have been taken. There were trees, huts, tiled houses and many persons stated supra, were admittedly residing. Therefore, it is an undisputable fact that possession of vacant land as contemplated under the Act has not been taken. Notice had not been issued to the occupants. The proceedings after notice under Section 9(4) of the Act have been continued knowing fully well that the lands have been sold out and that the owner had also expired. Even then, notices have been sent to a dead man. The tax receipts, family cards issued by the Civil Supplies Department and telephone bill, Corporation tax receipt etc., enclosed in the typed set of papers, substantiate the contention of the petitioners that they are in possession of the property. Mutation is said to have been effected by the respondents. Therefore, the proceedings and the orders passed by the Asst. Commissioner of Urban Land Ceiling, Salem, are to be declared as null and void and that they would not confer any right or interest to transfer or convey or assign the lands. The petitioners have made out a case for mandamus and hence the mandamus is



issued. The petitioners are at liberty to seek for mutation of revenue records, if necessary. The writ petition is allowed. No costs."

12. Therefore, all the grounds raised by the petitioners have already been dealt with in a detailed manner and the said Writ Petition was allowed as extracted supra. Even till today, the respondents did not file any appeal as against the order passed by this Court. In view of the above, the subject property of these Writ Petitions are also connected to the earlier Writ Petition in W.P.No.4102 of 2003 and as such, the petitioners are also entitled for the same benefit as observed by this Court.

13. Accordingly, these Writ Petitions are allowed and the impugned proceedings are declared as null and void. The respondents are directed to effect mutation in the Revenue Records in the name of the respective petitioners. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,  
The Government of Tamil Nadu,  
Revenue Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.
2. The Special Commissioner & The Commissioner,  
of Land Reforms (Urban Land Ceiling & Urban Land Tax),  
Ezhilagam, Chennai - 600 005.
3. The Assistant Commissioner of Urban Land Ceiling (Salem),  
O/o.The Assistant Commissioner of Urban Land Ceiling,  
Near Fire Service Station, Erode.
4. The Tahsildar, Salem Taluk, Salem.

+1cc to Mr.Ajay Francis Inigo Iyola, Advocate, S.R.No.40003

+1cc to the Government Pleader, S.R.No.40387

W.P.Nos.15908 to 15910 of 2013

VGII(CO)

CS/20/09/2021