

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.Nos.30961 of 2006 and 24886 of 2012 and
M.P. Nos.1 of 2006 and 1 of 2009

W.P. No.30961 of 2006 &
M.P. Nos.1 of 2006 and 1 of 2009
A.Umapathy

... Petitioner

Vs.

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

2.The Competent Authority/Urban Land Ceiling &
The Asst. Commissioner
Urban Land Tax, Poonamallee
Thiruvallur Taluk, Poonamallee Zone
No.5, Sannadhi Street, Poonamallee
Chennai - 600 056

3.The Tahsildar
Poonamallee Zone
Poonamallee, Chennai - 600 056

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents, especially the order of the 2nd respondent dated 9.2.1995 vide S.R.562/94 Na. Ka.408/95/D under Section 9(5), final Statement dated 24.11.1995 vide Rc.408/95/D under Section 10(1) and notice dated 30.1.1997 vide Rc.408/95/D under Section 11(5) of the Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1978 in respect of lands in Survey No.51/10B measuring 1500 sq.metres in Noombal village, Ambattur Taluk, and quash the same and further direct the respondents to treat all the proceedings as abated under Section 4 of the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act, namely, Act 20 of 1999, to enable the third respondent to incorporate the name of the petitioner as owner of the said land, in all revenue records.

W.P. No.24886 of 2012

1.Smt.Mallikeswari
2.V.Gowrishankar

.. Petitioners

Vs.

1.The Principal Secretary and
Commissioner of Land Reforms
Chepauk, Chennai - 600 005.

2.The Assistant Commissioner/Competent Authority
Urban Land Ceiling
No.5, II Floor, Sannadhi Street,
Poonamallee, Chennai - 56

3.The Tahsildar
Poonamallee Taluk
Poonamallee - 600 056

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the respondents, especially the order of the 2nd respondent dated 25.04.1997 vide Na. Ka. No.993/97D under Section 9(5) final settlement under Section 10(1) dated 30.09.1997 vide Na. Ka. No.933/97D and Notice dated 28.08.1998 vide R.C.933/97D under Section 11(5) of the Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1978, in respect of lands in Survey No.48/6, measuring an extent of 4850 sq.mts. in Surey No.48/7 measuring an extent of 2950 sq.mts. in Survey No.48/10 measuring an extent of 4550 sq.mts, in Survey No.50/3A measuring an extent of 8750 sq.mts. and Survey No.50/3B1 measuring an extent of 4700 sq.mts. respectively of Anaikattucherry Village, Poonamallee Taluk and quash the same by treating the proceedings referred to above as abated under Section 4 of the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act (Act 20 of 1999), so as to enable the 3rd respondent herein, to correct the entries in the revenue records by incorporating the name of the petitioners as owners of the land in the said Survey Nos.48/6, 48/7, 48/10, 50/3A and 50/3B1 of Anaikattucherry village, Poonamallee.

For Petitioners: Mr.V.Ramesh
in both WPs

For R1 to R3 : Ms.A.Madhumathi,
in both WPs Special Government Pleader

COMMON ORDER

Learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents, have stated that these writ petitions are also matters, where the proceedings were initiated against dead persons. Since the facts in W.P. Nos.30961 of 2006 and 24866 of 2012 are identical, this court is of the view that the decision of this court in W.P. No.9270 of 2006, is also applicable to these two cases. This court in W.P. No.9270 of 2006 has held that the proceedings initiated against a dead person is void and that in a case where possession is not taken from the person who is in physical possession, the proceedings shall be deemed to have been abated by virtue of Tamil Nadu Act 20 of 1999.

2. Accordingly, both the writ petitions, viz. W.P. Nos.30961 of 2006 and 24486 of 2012 are allowed and the impugned orders of the second respondent and the final statements made in respect of petitioners' lands, are quashed. It is open to the petitioners to approach the third respondent, for mutation of revenue records in terms of the decision of this court in these writ petitions. However, there is no order as to cost. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Asr

To

- 1.The Special Commissioner &
Commissioner of Land Reforms,
Chepauk, Chennai - 600 005.
- 2.The Competent Authority/Urban Land Ceiling &
The Asst. Commissioner,
Urban Land Tax, Poonamallee,
Thiruvallur Taluk, Poonamallee Zone,
No.5, Sannadhi Street, Poonamallee,
Chennai - 600 056.

3.The Tahsildar,
Poonamallee Zone,
Poonamallee, Chennai - 600 056.

+1cc to M/s.V.Ramesh, Advocate Sr.17007
+1cc to the Government Pleader Sr.16918

W.P.Nos.30961 of 2006 and
24886 of 2012

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srg 19/04/2021



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