IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.8881 & 8882 OF 2014
AND
M.P.NOS.1 & 1 OF 2014

S.Kalyan Kumar ... Petitioner in W.P.No.8881/2014

P.K.Kumar ... Petitioner in W.P.No.8882/2014

-Vs-

1. The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2. The Commissioner,
Commissioner of Land Reforms,
Chepauk,
Chennai - 600 005.

3. The District Revenue Officer,
Collectorate Building,
Coimbatore - 941 018. ... Respondents in both W.Ps

COMMON PRAYER:-

The Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents not to interfere with the possession of the petitioners' property situated at Site No.2 and 1A respectively, at Survey No.570/A2 in Nabi Nagar, Chettipalayam, Coimbatore since the same stand abated consequent to the repeal of the Principal Act by the Tamil Nadu Urban Land (Ceiling and Regulation) Repealing Act, 1999.

For Petitioner in both WPs : Mr.C.Anandaramani

For Respondents in both WPs

For R1 to R3 : Mr.Richardson Wilson Government Advocate

COMMON ORDER

These Writ Petitions have been filed to direct the respondents not to interfere with the possession of the petitioners' property situated at Site No.2 and 1A respectively, at Survey No.570/A2 in Nabi Nagar, Chettipalayam, Coimbatore.

2. The petitioners averred in their affidavit that they are the absolute owners of the properties and they are regularly paying tax to the concerned authorities. While being so, on 28.02.2014, the Village Administrative Officer informed that the lands owned by the petitioners have come under the Land Ceiling Act and asked to vacate the same. In this regard, the petitioners did not receive any notice and also no notification has been issued by the Government. Therefore, the petitioners sent representation dated 03.03.2014 to the third respondent seeking not to interfere with their possession. Since the same were not considered by the respondents, the petitioners approached this Court by way of these Writ Petitions.

3. On perusal of the counter filed by the respondents, it is averred as follows :-

> "4. It is submitted that since the lands in question were attracted by the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (herein after referred as "Act") the urban land owners had also filed return under Section 7(1) of the Act in Form-I on 13.09.1978. During the inspection, the competent authority found that the excess vacant lands were to be acquired under the Act. Hence notices under Section 9(1) and 9(4) of the Act, dated 24.07.1986 were served on the urban land owners on 03.08.1986. Meanwhile, the unregistered agreement entered between M/s. Anna Veettumanai Vazhangum Sangam and Thiru C.V.Venugopal was executed on 07.02.1982 ie., after eforcement of the Act on 03.08.1976. After implementation of the Act only, the said sangam applied for grant of exemption. As the said sangam did not own any

land prior to 03.08.1976 and the sangam had only proposed to purchase the land in question, the said sangam was not the urban land owner. Hence, the exemption petition was dismissed vide the Special Commissioner and Commissioner of Land Reforms Proceedings under Section 9 to 11 of the Act to acquire the excess vacant land vide Special Commissioner and Commissioner (Land Reforms) J1/42184/1989, dated 23.01.1990. Hence orders under Section 9(5) of the Act was issued by the Competent Authority vide his proceedings No.5803/1984/E2, dated 19.06.1990 to acquire the excess vacant land. As no appeal under Section 33 of the Act was preferred by the urban land owners, final statement under Section 10(1), dated 26.09.1990 was served on the urban land owners. Notification under Section 11(3) of the Act declaring the acquisition of excess vacant land having been published under Section 11(1) of the Act as Notification No.VI(1) 18/92, dated 06.05.1992 in part VI Section I of the Tamil Nadu Government Gazettee dated 06.05.1992. Form of notice under Section 11(5) regarding surrender or delivery of possession of excess vacant land acquired under Section 11(3) was issued on 15.09.1992 and served on the urban land owners on 12.10.1992. But the urban land owners neither came forward to hand over possession nor filed any objection.

5. It is submitted that finally, the excess vacant land 4969 sq.mts., in S.F.No.570A/2B of Kuruchi Village was taken possession and was handed over to the Tahsildar, Coimbatore South on 28.06.1993. A total market value Rs.86,772/- was also fixed in respect of the lands in question. A notice dated 22.04.1996 under Section 12(7) of the Act was issued and served to the petitioners on 30.04.1996 requesting to receive the amount payable under Section 12 of the Act. On 30.03.1997, the landlord informed that since he has appointed one Thiru. S.C.Soundiah to deal with the land and he had no connection with the above excess vacant land. So the amount payable to the urban land owners was deposited in the Government Account. Thus, the entire process of deciding the excess vacant land and taking possession of the land by the Government was over by 28.06.1993 and hence, this Writ Petition is not maintainable."

Considering the above avernments made in the counter, the prayer sought for in both the Writ Petitions has become infructuous.

4. Accordingly, both the Writ Petitions are dismissed as infructuous. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary to Government,
   Government of Tamil Nadu,
   Revenue Department,
   Fort St. George,
   Chennai - 600 009.

2. The Commissioner,
   Commissioner of Land Reforms,
   Chepauk,
   Chennai - 600 005.

3. The District Revenue Officer,
   Collectorate Building,
   Coimbatore - 941 018.

+1cc to M/s.Y.Kavitha, Advocate, S.R.No.37828
+1cc to the Government Pleader, S.R.No.37693

W.P.NOS.8881 & 8882 OF 2014 AND
M.P.NOS. 1 & 1 OF 2014

PCH(CO)
PBS/31/08/2021