



W.P.No.34209 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.34209 of 2019

M/s Garuda Chit & Trading Co., Pvt., Ltd.,
rep. By its Director and
Authorised Signatory,
Mr.T.K.Vijaykumar, Old No.46,
New No.104, Cathedral road,
Chennai – 600 086.

... Petitioner

Vs.

1. The Addl. Chief Secretary and Revenue Secretary,
to Government,
Government of Tamilnadu
Fort St. George,
Chennai - 600 009
2. The Principal Commissioner &
Commissioner Land Reforms
Chepauk, Chennai – 600 005
3. The Asst. Commissioner / Competent Authority,
Urban Land Ceiling,
130, R.K.Mutt Road,
Mylapore, Chennai – 600 004
4. The Tahsildar,
Mylapore- Triplicane Taluk,
Greenways Road,
R.A.Puram,
Chennai – 600 028

... Respondents



W.P.No.34209 of 2019

Writ Petition is filed under Article 226 of Constitution of India to issue

a Writ of Mandamus directing the respondents to issue patta in respect of the land comprised in R.S.Nos.1243/4,5, 1238/8 and 1238/9 measuring an extent of 12 grounds 33 sq.ft., of Mylapore Village, Block No.26, Cathedral Road, Mylapore-Triplicane Taluk, Chennai – 600 006 after deleting the entry 'Sarkar Poramboke' in respect of the lands in S.No.1238/9 measuring an extent of 8 ares 72 sq.mts.

For Petitioner	: Mr.V.Ramesh, Senior Advocate for Mr.T.Thiyagarajan
For Respondents	: Mr.R.Shanmugasundaram, AG assisted by Mr.Yogesh Kannadasan Government Advocate

ORDER

The petitioner seeks for a Writ of Mandamus directing the respondents to issue patta in respect of the land comprised R.S.Nos.1243/4,5, 1238/8 and 1238/9 measuring an extent of 12 grounds 33 sq.ft., of Mylapore Village, Block No.26, Cathedral Road, Mylapore-Triplicane Taluk, Chennai – 600 006 after deleting the entry 'Sarkar Poramboke' in respect of the lands in S.No.1238/9 measuring an extent of 8 ares 72 sq.mts.

2/25



W.P.No.34209 of 2019

WEB COPY

2. The case of the petitioner-company is that the petitioner-company is the owner of land measuring to an extent of 12 grounds 33 sq.ft., in the above said survey numbers and the same was purchased along with a residential house by virtue of a sale deed dated 02.04.1975 in Document No.532 of 1975. After the said purchase, the 3rd respondent, initiated proceedings under Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1978 (for brevity, 'the Act') and declared an extent of 873 sq.meters as 'excess vacant land'. The computation of excess vacant land as 873 sq.mts is without reference to the residential building and out house, which was situated at the time of purchase itself.

3. After purchase, the petitioner applied to the planning authorities during October, 1975 seeking permission to put up a new construction. The planning permission was granted on January, 1976 and construction was also commenced well before the introduction of the Act, which came into effect from 03.08.1976. Therefore, well prior to the commencement of the Act, the land consisted of basement and other structures, which culminated into a building that exists today and the same cannot be treated as 'excess vacant land' as on 03.08.1976 giving power to the competent



W.P.No.34209 of 2019

authority to acquire the land. The said determination of excess land was done without jurisdiction and without considering the actual facts and also without reference to the provisions of the Act.

4. The excess land determined under the provisions of the Act was not handed over to the competent authority either voluntarily or involuntarily after issuance of notice under Section 11(5) of the Act and the possession of the petitioner was not dispossessed forcibly from the alleged 'excess vacant land' determined by the 3rd respondent. Aggrieved against the orders passed by the 3rd respondent declaring an extent of 873 sq.meters as 'excess vacant land', the petitioner filed a Writ Petition No.6312 of 2000 before this Court and on 04.08.2005, referring to the provisions of the Repeal Act, this Court, disposed of the said Writ Petition holding that “if possession of excess vacant land is not taken, the parent Act has no application” and the operative portion of the order is extracted hereunder:-

“It is clear from the above that as per Section 3(1(a), the repeal of the Principal Act shall not affect the vacant land, the possession of which has been taken over by the State Government. In other words, if the possession of the land in question has not been taken over by the Government, the



W.P.No.34209 of 2019

WEB COPY

principal Act could not be given effect to.

Therefore, suffice to say that if the possession of the impugned land of the petitioner had not been taken over by the Government, the Principal Act cannot be given effect to. The writ petition is disposed of accordingly.”

5. The petitioner is in possession of the said vacant land by putting it for several uses and hence, there is no question of doubting their title, possession and enjoyment of the said excess vacant land. The petitioner is in enjoyment of the same and continue to enjoy the property as on date from the date of purchase. In fact, the property was assessed to Urban Land Tax and demand was made for an extent of 12 grounds and 33 sq.ft., by the 4th respondent and therefore, it is clear that the petitioner is in possession of the land. Moreover, the Assistant Commissioner, (ULT), Mylapore, Chennai, had issued a proceedings in Na.Ka. No.அ2/433/2019 dated 9.8.2019 and Revised Assessment Order under Section 32(1) of the Tamilnadu Urban Land Tax Act, 1966, Amended Act, 1991 vide Proceeding No. A2/433/2019 dated 09.08.2019 and as per the same, revised rate of tax was demanded, hence it is clear that the petitioner is in possession of the said properties.



W.P.No.34209 of 2019

WEB COPY

6. On 28.01.2019, by way of a letter, the petitioner has narrated all the said informations to the 2nd respondent, viz., Principal Commissioner Land Reforms, Chepauk marking a copy to the 3rd respondent and also on 28.05.2019 addressed the letter to the Minister of Revenue in the Secretariat on 04.06.2019 seeking incorporation of petitioner's name as owner in the revenue records. As the possession was not taken from the petitioner either voluntarily, peacefully or forcibly under Sections 11(5) or 11(6) of the Act, all the proceedings acquiring the excess vacant land measuring about 873 sq. ft., stands abated under Section 4 of the Repeal Act 20/1999 and the petitioner is entitled to incorporate its name, as owner in all the revenue records for the entire extent of 12 grounds and 33 sq.ft., and not for 8 grounds 244 sq.ft., Further, in the revenue records, the entire extent of 12 grounds and 33 sq.ft., stood in the name of the petitioner till 2016 and the petitioner continue to be in possession and enjoyment of the same.

7. Since there was no reply or response from the respondents for the



W.P.No.34209 of 2019

above said letters, the petitioner issued a legal notice dated 31.10.2019 to the 3rd and 4th respondents, seeking to incorporate the name of the petitioner, as owner in all the revenue records for the extent of 12 grounds 33 sq. ft., comprised in R.S.Nos.1243/4,5 and now, presently T.S.Nos.1238/8, 1238/9 of Mylapore village. Though the said legal notices were received, the respondents failed to incorporate the name of the petitioner in respect of land measuring 12 grounds and 33 sq. ft., That apart, the petitioner intends to develop the land and when the plan for development was submitted, one of the requirements by the planning authority is to submit the patta for the entire extent of 12 grounds 33 sq. ft., The extract of the Town Survey Land Register carries the name of the petitioner for the entire extent of 18 ares 60 sq. meters till 11.08.2016 and the extract obtained after 11.08.2016 declares that the land measuring 8 acres 72 square mts as 'Poramboke land' in Survey No.1238/9. The said certificate also refers to the existence of hut and the entry in the certificate of Town Survey Land Register would clearly show that the change in ownership in regard to 8 acres 72 sq.mtres has been done or mutated only after 11.08.2016 and the entry clearly establishes the right, title, possession and enjoyment of the demised land by the petitioner even after Repeal of the Parent Act.



W.P.No.34209 of 2019

WEB COPY

8. The petitioner has also paid Urban Land Tax for the land measuring 12 ground 33 square feets at No.46, cathedral road, Mylapore and the payments made by the petitioner for the land measuring 12 grounds and 33 Sq.ft., was after the parent act was repealed with effect from 16.06.1999 and the petitioner submits that as on date, the petitioner is in possession of the said property and the declaration of 'sarkar poramboke' has to be removed and the petitioner's name has to be restored in the patta for the above said 12 grounds and 33 sq.ft., in R.S.Nos.1243/4, 5, 1238/8 and 1238/9, thereby seeks to allow the present petition.

9. Per contra, the learned Advocate General appearing for the respondents would submit that the Board of Revenue (ULC & ULT) in Letter No.12/9339/79 dated 01.11.1979 calculated the excess vacant land as 873 sq.mts in R.S.No.1238/8 Block No.26 of Mylapore Village and after considering the request of the petitioner-company for exemption, the Government in G.O.Ms.No.2046, Revenue Department dated 22.09.1981, rejected the request of the company and ordered to acquire the excess vacant land under Sections 9-11 of the Act. A draft statement was issued



W.P.No.34209 of 2019

in SRA.32/81 dated 21.11.1981 inviting objections for declaring excess vacant land of 873 sq.mts and the same was sent through RPAD to the petitioner and it was returned as "always door locked" and the same was served by affixture on 17.03.1982 in the subject land by the Revenue Inspector in the presence of witnesses. In the meanwhile the petitioner-company filed reconsideration petitions to Government on 26.09.1981 and 25.03.1982 stating that there are several buildings, five storeyed buildings, car parking shed, cycle shed, watchman residence etc., in the said land and if all the structures are taken into account, there will be no excess vacant land. The said matter was examined by the Government in detail. The company has constructed the 4th floor only after 03.08.1976 on the basis of the building plan approved on 28.06.1977 and while sanctioning the plan, the Corporation of Chennai has made provisions of 716 sq.mts., for parking 28 cars, reserved an extent of 269.5 sq.mts for the purpose of widening the cathedral road, since 4th floor was constructed after 03.08.1976, the extent of 716 sq.mts allowed by the corporation for car parking cannot be taken into account as non-vacant land, thereby rejected the reconsideration petition in letter Ms.(No).973 Revenue dated 25.06.1991.



W.P.No.34209 of 2019

10. The learned Advocate General appearing for the respondents contends that thereafter, Notification under Section 11(1) was published in the Tamilnadu Government Gazette dated 18.03.1992 and notification under Section 11(3) was issued in RC.A2/2463/91 dated 20.04.1992 and was published in Gazette dated 17.06.1992 vesting excess vacant land with the Government with effect from 20.05.1992. The notice under section 11(5) requesting the Urban Land Owner to handover possession of the excess vacant land was issued in Rc.A2/2463/91 dated 22.11.1993. The above notice was sent by Registered post with acknowledgment and it was received by the petitioner-company on 05.12.1993. The excess vacant land measuring an extent of 873 sq. mts in S.No.1238/9 of Mylapore village was taken possession by the Tahsildar, Mylapore – Triplicant Taluk on 04.08.1994 and the above said fact was informed to the Special Commissioner and Commissioner of Land Reforms, Chennai in RC.No.2463/91 A2 dated 11.08.1995.

11. In consequence, notice under Section 12(7) inviting objection for fixing the amount payable under Section 12(6) was sent in R.C.No.2463/91 A2 dated 26.12.1994. Orders under Section 12(6) of the Act was issued on 03.07.1995 fixing the amount payable as Rs.43,650/- for the land



W.P.No.34209 of 2019

measuring 873 sq.mts at the rate of Rs.50/- sq.mts. The orders were received by the land owner on 10.07.1995 by RPAD and the initial payment of Rs.25,000/- was drawn in RC.No.2463/91/A2 dated 18.09.1995. Though the petitioner-company was requested to receive the cheque for Rs.25,000/-, it did not turn up to receive the said payment, therefore, the same was kept in Revenue Deposit by way of proceedings in RC.A2/2463/91 dated 18.06.1996. The Act was repealed by Act 20/1999 with effect from 16.06.1999 and according to the Repeal act, the lands taken possession remain vested with Government for allotment to others and does not affect the lands for which possession have not been taken under the provisions of the Act and retained by the Commissioner. Further, the Government Pleader in his opinion dated 29.10.2012 has opined that, if possession of the land had been taken before passing of Repeal Act, appeal need not be filed. As the possession of the excess vacant land was taken over and handed over to the Revenue Authorities on 04.08.1994, no appeal was filed against the said order. Further, the petitioner is questioning the acquisition proceedings after a long time of 25 years, hence the contention of the petitioner is not correct.

12. Further, the learned Advocate General appearing for the



W.P.No.34209 of 2019

respondents brings it to the notice of this Court that notification under Section 11(3) of the Act was issued on 20.04.1992 vesting the land with the Government with effect from 20.05.1992, then final notice under Section 11(5) of the Act was issued on 22.11.1993 and was sent by RPAD and the same was received by the petitioner- company on 05.12.1993, but the petitioner did not file any objections, hence the Revenue Authorities on 14.08.1994 taken the possession of the excess of vacant land.

13. It is represented by the learned Advocate General that after following the procedure as laid out in the Act, all notices, orders were served to the petitioner-company as per the provisions of the Act and the excess vacant land of 873 sq.mts in R.S.No.1238/9, Block 26 of Mylapore Village was acquired and in absence of any objections, the possession of the excess vacant land was handed over to the Revenue Authorities on 04.08.1994 making necessary changes in Village / Taluk accounts well before the enactment of Tamilnadu Urban Land (Ceiling and Regulation) Repeal Act on 16.06.1999. This case falls under Section 3(1)(a) of the Repeal Act, as the acquisition proceedings were completed on 04.08.1994 well before 5 years of enactment of Repeal Act, the proceedings shall not



W.P.No.34209 of 2019

get abated under Section 4 of the Repeal Act as stated by the petitioner.

WEB COPY

14. That apart, the learned Advocate General appearing for the respondents contends that the acquisition proceedings was initiated against the petitioner and after following the due procedure, the excess vacant land in T.S.No.1238/9, Block 26 of Mylapore Village, measuring an extent of 873 sq.mts was acquired and possession of the excess vacant land was handed over to the revenue authorities on 04.08.1994, then, necessary changes were made in revenue records and name changed to Government of Tamilnadu. The on line patta shows that the above land was registered in the name of Government of Tamilnadu. All the land records were computerised during the year 2016 and the date mentioned in the online patta is the date on which entries were made in the computer and the lands have been taken possession by the authorities after giving appropriate opportunity to the petitioner and prayed for dismissal of the petition.

15. On going through the said facts argued by both, viz., learned senior counsel for the petitioner as well as the learned Advocate General appearing for the respondents, it is seen that the petitioner- company had



W.P.No.34209 of 2019

purchased the subject land measuring to an extent of 12 grounds 33 sq.ft., previously, comprised in R.S.No.1243/4,5, now T.S.Nos.1238/8 and 1238/9 in the year 1975. The 3rd respondent initiated proceedings under the Act and declared 873 sq.ft., as 'excess vacant land'. The computation of excess vacant land is without considering the extension of the building is the stand of the petitioner and the petitioner has also prayed for planning permission in the year 1975 and planning permission was accorded during 1976 and thereafter, the petitioner commenced construction. The petitioner have not surrendered any excess vacant land determined by the 3rd respondent, is the contention of the petitioner.

16. It is the case of the petitioner that the Repeal Act 20/1999 came into existence from 16.06.1999 and the petitioner is in possession of the subject property. During the year 2000, the petitioner had filed the Writ Petition No. 631 of 2000, wherein this Court had disposed of the said Writ petition by order dated 04.08.2005 observing that when the possession of the excess vacant land is not taken, the parent act has no application, in view of the fact that the Repeal Act came into effect.

17. It is brought to the notice of this Court on behalf of the



W.P.No.34209 of 2019

respondents that on 22.09.1981 by way of G.O.Ms.No.2046 Revenue Department dated 22.09.1981, the Government had rejected the request of the petitioner for exemption and ordered to acquire the excess vacant land under provisions of the Act. The Competent Authority, Urban Land Ceiling, Mylapore issued notice on 21.11.1981 under Section 9(4) of the Act seeking objection for the acquisition of excess vacant land of 873 sq.mtr., The notice was served by way of registered post on 24.11.1981. As the petitioner-company has not raised any objection, orders under Section 9(5) was passed declaring the excess vacant land. The said letter returned with a remark 'always door locked' hence the order was served by the official on 17.03.1982 in the presence of witness, final statement was issued under Section 10(1) of the Act on 19.03.1982, which was also returned as 'always door locked' and hence it was also served by affixture by the Revenue Inspector on 20.04.1982. The petitioner has subsequently filed a petition for reconsideration to Government on 26.09.1981 and 25.03.1982 and the same was also rejected by the Government in Letter Ms.(No).973 Revenue dated 25.06.1991.

18. Besides the above, the Government published notification under Section 11(3) of the Act in gazette vesting of excess land with the



W.P.No.34209 of 2019

Government with effect from 20.05.1982. The notice under Section 11(5) was issued on 22.11.1993 requesting the urban land owner to handover possession of excess vacant land and the same was received by the petitioner on 05.12.1993. The possession of excess vacant land measuring an extent of 873 sq.mts., in Survey No.1238/9 of Mylapore village was taken possession by the Tahsildar, Mylapore-Triplicane Taluk on 04.08.1994. That apart, orders under Section 12(6) of the Act was issued on 03.07.1995 fixing the amount as Rs.43,650/- for the land measuring 873 sq.mts at the rate of Rs.50/- sq.mts. and the said order was also received by the petitioner by way of RPAD on 10.07.1995, the petitioner company was also served upon a letter 28.03.1996 to receive the initial payment, but did not turn up to receive the same, thereby the contention on behalf of the respondents is that the respondents have complied with all the provisions well before the cut off date on 16.09.999, however, the petitioner states that the said lands are not with the possession of the respondents. The contention put forth on behalf of the respondents is that the Urban Land Tax Authorities have taken appropriate steps and the land has been taken over by the Tahsildar and handed over to the authorities and hence the petitioner cannot claim that the possession is with them.



W.P.No.34209 of 2019

WEB COPY

19. As a matter of fact, it was not the case of the respondents that they are in possession of the subject property at the time of filing a Writ Petition in the year 2000 and the prayer in the said Writ Petition is to forbear the respondents therein from enforcing the provisions of “the Act” which has been repealed by T.N.Act 20/1999 with effect from 16.06.1999, in so far as the land of the petitioner at Door No.46, Cathedral Road, Chennai – 86 in R.S.No.1238/9, Mylapore village is concerned and this Court had come to the conclusion that in “view of Section 3(1)(a), the Repeal of the Principal Act shall not affect the vacant land, the possession of which has been taken over by the State Government. Since the impugned land of the petitioner has not been taken over by the Government, the Principal Act cannot be given effect to” and disposed of the said petition.

20. Apart from the above, it is seen that after the year 2005, no action was taken by the authorities to resume the possession and safeguard the property. Further, if the land in dispute was really vested with respondents, no follow-up action has been taken up by the Government to obtain the land, as admittedly, the land is with the petitioner. The petitioner further stated that the respondents have not



W.P.No.34209 of 2019

taken possession of the land from them either voluntarily, peacefully or forcibly under Section 11(5) or 11(6) of the Act.

21. On going through the documents placed on record as well as upon hearing the submissions on either side, it is clear that possession has not been taken over by the respondents and the possession, as of now, still remains with the petitioner and the entire proceedings initiated under the Parent Act is defeated and the land classified as 'Sarkar Poramboke' has to be deleted and patta has to be issued in favour of the petitioner. Already this Court by way of W.P. No.6312 of 2000, in the year 2005 itself has given quietus to the issue. If the respondents have taken the possession of the excess vacant land in question and handed over to the Revenue Authorities on 04.08.1994, then, the authorities ought to have taken possession of the same by fencing the property or in the manner prescribed, but the same has not been done.

22. When the excess vacant land in question is inside the compound of the property of the petitioner and at present, the authorities are not in a position to explain the said possession of land being taken and fencing the property and even assuming the respondents have taken physical



W.P.No.34209 of 2019

possession of the land, the same is not being taken in the prescribed manner and hence the provisions of repeal act will come into the aid of the petitioner.

23. As regards taking possession of the lands in question, it is the stand of the 3rd respondent that the possession of excess vacant land in dispute was taken over by the Tahsildar, Mylapore – Triplicane Taluk on 04.08.1994, however from the typed set of papers filed on behalf of the respondents, it could be seen the respondents have not taken possession of the property, as alleged by the respondents, as there is no authorised signature. The said portion is hereby extracted as follows:-

“வட்ட ஆட்சியறைநேரில் சந்தித்து சுவாதீனம் ஒப்படைக்க தனித்துணை ஆட்சியருக்கு இவ்வலுவலக தொகப்பு பட்டியல் அனுப்பப்பட்டுள்ளது. எனவே இதனை 18.94 வறை நிலுவையில் வைக்கவும்”

“இந்நேரில் கையகப்படுத்திய நிலம் 18.94 சுவாதீனம் ஒப்படைக்கப்பட்டது.

(த.பியா)”

24. It is relevant to extract Section 3 of the Act Repeal Act:

“3. Savings – (1) the repeal of the Principal Act shall not affect-

(a) the vesting of any vacant land under sub-section (3)



WEB COPY



W.P.No.34209 of 2019

of Section 11, possession of which has been taken over by the State Government or any person duly authorised by the competent authority;

(b) the validity of any order granting exemption under sub-section (1) of Section 21 or any action taken thereunder:

(2) where -

(a) any land is deemed to have vested in the State Government under sub-section (3) of Section of the Principal Act but possession of which has not been taken over by the State Government or any person duly authorised by the State government in this behalf or by the competent authority; and

(b) amount has been paid by the State Government with respect to such land, then, such land shall not be restored unless the amount paid, if any, has been refunded to the State Government”

As per Section 3(2) of the Act Repeal Act, the Principal Act shall not affect if the amount has been paid by the State Government with respect to such land, then such land shall not be restored unless the amount paid has been refunded to the State Government.

25. It is pertinent to point out that in the case reported in **Krithika Conference Hire Services Private Limited rep. By its Director Vs. Government of Tamilnadu**, reported in **2007-2-L.W.109 = (2007) 8**



W.P.No.34209 of 2019

M.L.J.688, it is held as follows:

WEB COPY

“Unless physical possession of the property declared as surplus under the old act, was taken over by the State, the proceedings taken under the old act would lapse”

26. Further in the case reported in **2002(2) L.S.764, (C.V.Narasimhan Vs., The Government of Tamilnadu etc., and 2 others)**, while considering the impact of the Repealing Act, had held that *“where physical possession of such land continues to be with the owner, the statutory vesting under Section 11 (3) of the Act is of no relevance at all”*

27. It is to be borne in mind that when the respondents does not say that the petitioner had surrendered possession on its own, then, the respondents ought to have taken possession under Section 11(6) of the Act, whenever a 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 lands and may, for that purpose, use such force as may be necessary. Therefore, from the above two aspects, namely, the urban land owner was directed to surrender possession and



W.P.No.34209 of 2019

since the owner is not shown to have surrendered possession and the power of the Government to use such force, as may be necessary, in taking possession, clearly indicate that physical possession of the land must be taken by the competent authority. There is nothing on record to show that on what day possession was taken, was any representative of the writ petitioner present; the name of the person, who took possession, the person from whom possession was taken, are there any contemporary record to show that possession was in fact taken at such a time and on such a date when possession was handed over to the Tahsildar, Mylapore are all silent.

28. It is to be noted that although the respondents claim that the possession of the land in question was vested with the Government under Section 11(3) of the Act with effect from 20.05.1992 and subsequently the possession of the same was taken by the Tahsildar – Mylapore on 04.08.1994 and the same was informed to Special Commissioner and Commissioner of Land Reforms, Chennai in RC.2463/91 A2 dated 11.08.1995, [no authorised signature has been endorsed either from the petitioner or from the respondents] is only a symbolic possession and as a matter of fact, the actual / real possession was not taken. As such, the



W.P.No.34209 of 2019

resultant possession is with the petitioner and had not handed over the physical possession. When the respondents had only taken a symbolic possession and in reality, when the actual possession of the land in issue is in the hands of the petitioner, the petitioner is entitled to avail the benefits under Section 4 of the Act, Repeal Act, 1999.

29. As far as the present case is concerned, since the petitioner is in possession and enjoyment of the land in question and admittedly, in view of the fact that the physical possession of the property was not acquired from the petitioner [though it is stated that the possession was taken by the Tahsildar – Mylapore on 04.08.1994, there is no authorised signature endorsed either from the petitioner or from the respondents], this Court is of the considered opinion that the petitioner is entitled to avail the benefits of ingredients of Section 4 of the Act, Repeal Act, 1999 (20 of 1999). Further, the respondents would state that the physical possession of the subject land was obtained in the year 1994 (however, no signature whatsoever is endorsed) it is not known how the respondents have not even fenced the property for such a long time.



W.P.No.34209 of 2019

In view of the above, the present Writ Petition is allowed and the petitioner is at liberty to approach the concerned respondents along with necessary documents for issuance of patta and if done so, the respondents are directed to consider the same and issue patta, as per law within a period of 20 weeks. No costs.

23.11.2021

Index : Yes/No;
Internet : Yes/No
Speaking /Non-Speaking Order
ssd

To

1. The Addl. Chief Secretary and Revenue Secretary,
to Government,
Government of Tamilnadu
Fort St. George,
Chennai - 600 009
2. The Principal Commissioner &
Commissioner Land Reforms
Chepauk, Chennai – 600 005
3. The Asst. Commissioner / Competent Authority,
Urban Land Ceiling,
130, R.K.Mutt Road,
Mylapore, Chennai – 600 004
4. The Tahsildar,
Mylapore- Triplicane Taluk,
Greenways Road,
R.A.Puram,

24/25



Chennai – 600 028

WEB COPY



W.P.No.34209 of 2019

V.BHAVANI SUBBAROYAN, J.,

ssd

W.P.No.34209 of 2019

23.11.2021

25/25