



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.26861, 26863, 26864, 26865, 26866, 26868, 26869,
26870, 26872, 26873, 26874, 26875, 26877, 26878, 26879, 26880,
26881, 26882, 26883, 26884, 26885, 26887, 26888, 26890, 26891,
26892, 26894, 26895, 26896, 26897, 26899, 26900, 26901, 26902,
26904, 26905, 26907, 26909, 26911, 26913, 26915, 26917, 26918
and 26919 of 2019

S.BALACHANDRAN	... PETITIONER in WP No.26861 of 2019
LEELAVATHY	... PETITIONER in WP No.26863 of 2019
M. MURUGESAN	... PETITIONER in WP No.26864 of 2019
NAVANEETHAN	... PETITIONER in WP No.26865 of 2019
A.SHANMUGASUNDARAM	... PETITIONER in WP No.26866 of 2019
S.KAMALESWARAN	... PETITIONER in WP No.26868 of 2019
SANTHA	... PETITIONER in WP No.26869 of 2019
E.BAGYALAKSHMI	... PETITIONER in WP No.26870 of 2019
S.GOVINDARAJAN	... PETITIONER in WP No.26872 of 2019
M.A.KRISHNAN	... PETITIONER in WP No.26873 of 2019
K. SELVARAJ	... PETITIONER in WP No.26874 of 2019
VENNILAMANI	... PETITIONER in WP No.26875 of 2019
A.R.VENKATAPATHY	... PETITIONER in WP No.26877 of 2019
A.SELVARAJ	... PETITIONER in WP No.26878 of 2019
P.RAMALINGAM	... PETITIONER in WP No.26879 of 2019
MALATHY	... PETITIONER in WP No.26880 of 2019
ANJALIDEVI	... PETITIONER in WP No.26881 of 2019
R.NANDAGOPAL	... PETITIONER in WP No.26882 of 2019
A.S.PANNEERSELVAM	... PETITIONER in WP No.26883 of 2019



WEB COPY

P.V.BALASUBRAMANIAN ... PETITIONER in WP No.26884 of 2019

U.VASANTHA ... PETITIONER in WP No.26885 of 2019

THANGARAJU ... PETITIONER in WP No.26887 of 2019

SUSEELA ... PETITIONER in WP No.26888 of 2019

SREE VISHNU ... PETITIONER in WP No.26890 of 2019

V.VASANTHA ... PETITIONER in WP No.26891 of 2019

G.VASANTHA ... PETITIONER in WP No.26892 of 2019

A.R.SELVARAJAN ... PETITIONER in WP No.26894 of 2019

N.JAYASEELAN

REP. BY POWER AGENT AND FATHER K.NANJAPPAN

NO.55 GOLDWINS CIVIL AERODROME

COIMBATORE - 641004. ... PETITIONER in WP No.26895 of 2019

ANUSUYA ... PETITIONER in WP No.26896 of 2019

K.KARUPUSAMMY ... PETITIONER in WP No.26897 of 2019

G.KARTHIKEYAN ... PETITIONER in WP No.26899 of 2019

S.SARADHA ... PETITIONER in WP No.26900 of 2019

S.K.NATARAJAN ... PETITIONER in WP No.26901 of 2019

M.JAYACHANDRAN ... PETITIONER in WP No.26902 of 2019

N.SATHYANATHAN ... PETITIONER in WP No.26904 of 2019

N.SELLAMUTHU ... PETITIONER in WP No.26905 of 2019

R.SAVITHRI ... PETITIONER in WP No.26907 of 2019

M. MANI ... PETITIONER in WP No.26909 of 2019

1.R.KALPANA

REP.BY HER POWER OF AGENT AND

FATHER R.RAMACHANDRAN

2.R.SRIVIDHYA

REP. BY HER POWER OF AGENT AND FATHER

R.RAMACHANDRAN RESIDING - OLD NO.14D

NEW NO.36 BHARATHI NAGAR AYANAVARAM

CHENNAI 600023. ... PETITIONERS in WP No.26911 of 2019

S.DHAMODARAN

... PETITIONER in WP No.26913 of 2019



SUGUNA RAMAMOORTHY

... PETITIONER in WP No.26915 of 2019

G.SATHURAPPAN

... PETITIONER in WP No.26917 of 2019

V.R.PRADEEP

S/O.V.K.RANGANATHAN 9/18 NEHRU NAGAR
2ND STREET EAST, CIVIL AERODROME
COIMBATORE -641014.

... PETITIONER in WP No.26918 of 2019

V. GOVINDARAJU

... PETITIONER in WP No.26919 of 2019

Vs

1.The District Collector,
Coimbatore District.

2.The Commissioner,
ULC & ULT
(Urban Land Ceiling & Urban Land Tax),
Chepauk, Chennai - 600 005.

3.The Assistant Commissioner,
ULT (Urban Land Tax),
Coimbatore.

4.The Tahsildar South,
Coimbatore.

...Respondents in all WP's

Prayer in WP No.26861 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 51 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26863 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 21 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26864 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 34 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019



Prayer in WP No.26865 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 27 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26866 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 35 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26868 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 24 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26869 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 38 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26870 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 16 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26872 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 14 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26873 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 23 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and



restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26874 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.37 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26875 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 5 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26877 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 50 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26878 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.30 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26879 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 36 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26880 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.11 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26881 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 25 in



S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26882 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.6 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26883 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 53 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26884 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.2 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26885 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 22 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26887 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.3 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26888 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 4 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019



Prayer in WP No.26890 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 26 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26891 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 28 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26892 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.13 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26894 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 45 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26895 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.8 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26896 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 33 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26897 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 19 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and



restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26899 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.46 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26900 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 31 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26901 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 52 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26902 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.9 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26904 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 29 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26905 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.44 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26907 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 39 in



S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26909 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 43 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26911 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.12 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.

Prayer in WP No.26913 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 1 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26915 of 2019:

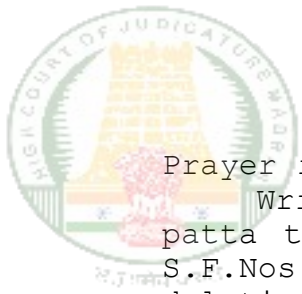
Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 20 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26917 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 48 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

Prayer in WP No.26918 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No.7 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019.



Prayer in WP No.26919 of 2019:

Writ of Mandamus directing the 4th respondent to issue patta to the petitioner land site situate in plot No. 47 in S.F.Nos. 49/1B and 50/1, Uppilipalayam Village, Coimbatore by deleting the wrong entries pertaining to the said land and restore the status of the said land as Patta Lands by considering the Petitioners representation dated 12.07.2019

For Petitioner in all W.Ps : Mr. P.Valliappan

For Respondents in all W.Ps : Mr.P.Balathandayutham
Special Government Pleader

ORDER

These writ petitions have been filed for issuance of Writ of Mandamus, directing the fourth respondent to issue patta to the petitioners' land by deleting the wrong entries pertaining to the subject land and restore the status of the subject land as "Patta Lands", by considering the petitioners' representation.

2. Heard, Mr. P.Valliappan, learned counsel appearing for the petitioners and Mr.P.Balathandayutham, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioners is that all the petitioners have purchased their respect plots from The Coimbatore Rajalakshmi Co-Operative House Building Society Limited, by registered sale deeds comprised in survey Nos.49 and 50/1 situated at Uppilipalayam Village, Coimbatore. The said Coimbatore Rajalakshmi Co-Operative House Building Society Limited had purchased the entire extent of the land by registered sale deeds dated 22.02.1979 and 25.05.1980 vide document Nos.2503 of 1979 and 2018 of 1980 respectively. Thereafter, the said Society applied for layout approval and the entire layout has been approved by L.P.CN.No.148/80. After purchase of their respective plots, the petitioners have formed an association as 'Rajalakshmi Nagar Residents Welfare Association' to represent the common interest of the owners.

4. All the petitioners are members of the said welfare association. Thereafter, they came to know that the subject land had been subjected for acquisition under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. However, no physical possession has been taken over and all the purchasers are in possession and enjoyment of their respective plots. After their purchase, they have obtained building permission and constructed their respective houses. Therefore, their physical possession has not been taken over and hence they had submitted a representation to restore the revenue records in favour of their respective purchasers and for issuance of



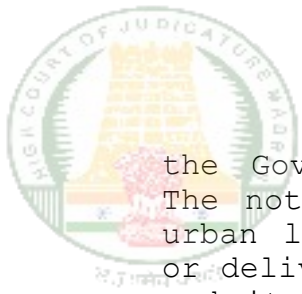
WEB COPY

patta. Even assuming that the respondents have followed the procedure as contemplated under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, physical possession of the land had not been taken over and the entire acquisition proceedings as lapsed under Section 4 of the Repeal Act.

5. A perusal of the counter filed by the third respondent reveals that the urban land owner R.Krishnaswamy filed statement dated 28.06.1977 under Section 6(1) of the Tamil Nadu Urban Land Ceiling and Regulation Act, 1976. The Assistant Commissioner (ULT) Coimbatore (East) sent notice in SR.No.234/A/77-A1, dated 29.10.1977, 23.11.1977 requesting to appear for enquiry with connected records of the lands owned by him. In the meanwhile, K.Srivalli wife of the land owner has sold out the 8.00 acres (29780 sq.mts) in S.F.No.49/1 & 50/1 of Uppilipalayam Village to 49 individuals jointly in order to layout house sites. The said 49 individuals, after purchase, had formed a Society in the name of 'Rajalakshmi Co-operative House Building Society (registration No.HS/G./52, dated 03.01.1980) after the introduction of the Act with effect from 03.08.1976. The president of the Society Dr.A.S.Ramasamy filed an application before the Government on 09.07.1979 seeking exemption under Section 21 of the Act, the request was rejected by the Government in G.O.Ms.No.1870, Revenue Department, dated 29.08.1981 and ordered for acquisition of the excess vacant land of the urban land owners and also directed that action taken under Section 39 of the Act against the Vendor K.Srivalli.

6. The Assistant Commissioner ULT Coimbatore (East) initiated action under Section 9 to 11 of the Act. Notice under Section 9(4) with draft statement under Section 9(1) of the Act was issued in SR.234/77/B3, dated 29.08.1985 to the urban land owners R.Krishnasamy and K.Srivalli requesting to the objection if any, for the proposed acquisition of excess vacant land held by them in S.No.49/1 & 50/1 of Uppilipalayam Village, sent by RPAD acknowledged by him on 14.09.1985. The urban land owners filed objection on 19.09.1985 and filed statement on 22.03.1990. After considering their objections, orders under Section 9(5) of the Act was passed on 05.11.1990 declaring 29780 sq.mts as excess vacant land out of 32780 sq.mts after allowing 3000 sq.mts towards urban land owners family entitlement area. Having received the said 9(5) order, the urban land owners filed an appeal dated 03.12.1990 under Section 33 of the Act, which was dismissed by the appellate authority in Proc.No.45764/90(J2), dated 29.04.1991.

7. Final statement under Section 10(1) of the Act was issued on 27.04.1994 and it was served to him on 07.05.1994. The notification under Section 11(1) of the Act was issued on 27.06.1994 and got published in TNGG No.28, dated 20.07.1994 @ page No.684. The notification under Section 11(3) of the Act was issued on 07.09.1994 and published in Government Gazette No.39, dated 16.11.1994 @ page No.960 vesting the land with



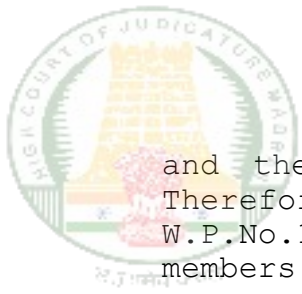
the Government from 20.08.1994 free from all encumbrances. The notice under Section 11(5) of the Act was issued to the urban land owners on 25.11.1994 requesting them to surrender or deliver the possession of excess vacant land within 30 days and it was served on 03.12.1994. Since the land owners had not turned up to surrender the possession, under Section 11(6) of the Act possession was taken over on 30.01.1995.

8. The learned Special Government Pleader submitted that since the notice under Section 11(5) of the Act was duly served with and even then they failed to surrender the vacant possession of the excess land within a period of 30 days. Therefore, they were issued notice under Section 11(5) of the Act and to surrender the possession of the excess land within a period of 30 days. Thereafter, the necessary changes were carried out in respect of the subject land in the name of the Government. In fact, the urban land owners also filed an appeal under Section 33 of the Act before the Appellate Authority on 10.01.1995. While appeals were pending, the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, was repealed by the Repeal Act, 20 of 1999 with effect from 16.06.1999.

9. In view of the above Repeal Act, the appeal could not be entertained. Therefore, all the petitioners, being the purchasers of the portion of the excess vacant land. They have no locus-standi, which had attained finality on 03.01.1995 viz., when the Repeal Act came into force.

10. On perusal of the records produced by the learned counsel for the petitioner, by a communication dated 24.02.2010, the third respondent stated that the subject land does not come within the ambit of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 on the representation submitted by one of the purchaser viz., N.Jayachandran and forwarded the same to the fourth respondent. However, the fourth respondent did not consider the same. Thereafter, the petitioners' association submitted another representation on 07.10.2017 to the second respondent through the third respondent requesting an order to the fourth respondent that the land comprised in S.F.No.49/1B and 50/1 no longer come within the purview of the Act and therefore, those lands are not liable for acquisition and order of issue patta.

11. In fact, the fourth respondent, by its communication dated 03.07.2013, stated that on the application submitted by one Prema and Jayachandran stated that though, the third respondent by its communication dated 24.02.2010, the subject lands are not covered under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, the guideline value of the subject land mentioned as Zero and as such, requested the third respondent changing the land as patta land. Even then, no order has been passed by the third respondent and as such, all the petitioners through their Association made representation



and the same was not considered by the third respondent. Therefore, they also approached this Court by way of W.P.No.16386 of 2019 and this Court opined that all the members of the Society has to make an individual representations and as such the said writ petition was withdrawn by the Association and made separate representation to the third respondent.

12. That apart, by the communication dated 24.02.2010 and 03.07.2013 revealed that the subject lands are not stated under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 and all the petitioners are in possession and enjoyment of their respective plots, after constructing houses. Though the third respondent covered in the counter that the urban land owners were issued notices as contemplated under the Act and final statement under Section 11(5) of the Act, were issued to the urban land owners on 25.11.1994. They failed to surrender the possession within a period of 30 days and as such, the third respondent initiated under Section 11(6) of the Act.

13. Section 11(6) of the Act says that if any person with an order made under sub-section 5, the competent authority may take possession of the vacant land or cause it to be given to the State Government or to any person duly authorised by such State Government in this behalf and may for that purpose use such force as may be necessary.

14. A perusal of the records reveals that the third respondent issued notice under Section 11(5) of the Act to the urban land owners. However, no records were produced to show that the notice issued under Section 11(5) of the Act to the Urban Land Owners. Even if the notices under Section 11(5) was issued pursuant to which the subject land was not delivered by the urban land owners, the possession has been taken over only in the manner and in the absence of any such procedure being adopted under Section 10(6) of the Act take forcible and their possession has been taken by the authorities. Further, there is no procedure to follow to take forcible possession as contemplated under Section 11(6) of the Act from the urban land owners, since also petitioners are in possession and enjoyment of their respective plots from the date of their purchase. They also constructed their houses and all are residing there. Therefore, the entire acquisition proceedings have lapsed as per Section 4 of the Urban Land (Ceiling and Regulation) Repeal Act 1999. In this regard, Section 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 reads as follows :

"Abatement of legal proceedings : All proceedings relating to any order made or purported to be made under the principal Act pending immediately before the commencement of this Act, before any Court, tribunal or other authority shall abate :



WEB COPY

Provided that this section shall not apply to the proceedings relating to Sections 11, 12, 13 and 14 of the principal Act insofar as such proceedings are relatable to the land, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority.

15. Since, the physical possession has not been taken over from the petitioners, the entire acquisition proceedings have lapsed. All the petitioners have clearly established their possession of their respective plots based on documents i.e., the property tax, assessment records and other revenue dues. Thus, the provisions under Section 4 of the Repeal Act 20 of 1999 will come into operation, even assuming that proceedings have been initiated under the Tamil Nadu Urban Land Ceiling Act 24 of 1978. Since the possession of the subject lands have not been taken over in the manner known to law, the provision of Section 4 of the Repeal Act to be attracted. Hence, even if any proceedings has been initiated under Act 24 of 1978, the entire proceedings abates. Consequently, the petitioners are entitled to correct the wrong entry into the revenue records.

16. In view of the above, the third respondent is directed to delete the entry made in the revenue records in respect of the subject land as Government land and restore the lands as free hold lands and order to issue patta in favour of the petitioners in accordance with their sale deeds within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the fourth respondent is directed to issue patta to the petitioners on the basis of their respective sale deeds within a period of four weeks from the date of order passed by the third respondent.

17. In the result, all these writ petitions stand allowed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
Coimbatore District.



2.The Commissioner,
ULC & ULT
(Urban Land Ceiling & Urban Land Tax),
Chepauk, Chennai - 600 005.

3.The Assistant Commissioner,
ULT (Urban Land Tax),
Coimbatore.

4.The Tahsildar South,
Coimbatore.

+1cc to Government Pleader SR. Nos. 6868 to 6874
+44ccs to Mr.P.Valliappan, Advocate SR. No.6566

W.P.Nos. .26861, 26863, 26864, 26865, 26866, 26868, 26869,
26870, 26872, 26873, 26874, 26875, 26877, 26878, 26879, 26880,
26881, 26882, 26883, 26884, 26885, 26887, 26888, 26890, 26891,
26892, 26894, 26895, 26896, 26897, 26899, 26900, 26901, 26902,
26904, 26905, 26907, 26909, 26911, 26913, 26915, 26917, 26918
and 26919 of 2019

SRA (CO)
PR (22/03/2022)