



W.A.No.1685 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.1685 of 2023

1.The Assistant Commissioner,
Urban Land Tax cum Competent Authority,
Urban Land Ceiling,
Kundrathur Zone,
Chennai-600 088.

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

.. Appellants

Vs.

G.Subramani Naicker (Deceased)

1.S.Kothai Nayagi
2.S.Udhaya Rani
3.S.Vedavalli
4.S.Veeraraghavan
5.S.Jayakumar
6.S.Saravanan

.. Respondents



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Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 22.4.2022 made in W.P.No.25970 of 2005.

For the Appellants : Mr.P.Kumaresan
Addl. Advocate General
assisted by
Mrs.R.Anitha
Spl. Government Pleader

For the Respondents : Mr.N.Srinivasan

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.P.Kumaresan, learned Additional Advocate General, assisted by Mrs.R.Anitha, learned Special Government Pleader for the appellants and Mr.N.Srinivasan, learned counsel for the respondents.

2. The present respondents have filed the writ petition to declare that the proceeding initiated by the appellants is illegal, null and void in view of Section 4 of the Tamil Nadu Act 20 of 1999.



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3. The learned Single Judge has observed that the appellants herein without ascertaining the details about the original land owner, sent notices under the Principal Act and affixed the same on the lands.

4. We have perused the original records produced by learned Additional Advocate General for the appellants. We could not find any document depicting that the possession has been taken by the present appellants.

5. The Apex Court in the case of *State of Uttar Pradesh v. Hari Ram*, reported in (2013) 4 SCC 280, has observed that the possession can be a peaceful possession or forceful dispossession and the same ought to be in the manner provided under the enactment.

6. No possession receipt seems to have been signed by the appellants.



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7. In the light of the above, no error is committed by the learned Single Judge while allowing the writ petition.

8. The writ appeal is disposed of. There is no order as to costs. Consequently, C.M.P.No.14927 of 2023 is closed. The original records are returned back to learned Additional Advocate General.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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