



W.A.No.1846 of 2023 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.Nos.1846, 1898, 1900, 1901, 1903, 1904, 1906, 1912, 1915
and 1926 of 2023

W.A.No.1846 of 2023:

- 1 The Principal Commissioner
and Commissioner of Land Reforms,
Chepauk,
Chennai-600 005.
- 2 The Assistant Commissioner/
Competent Authority (Urban Land Ceiling)
Sannadhi Street, Poonamallee,
Chennai-600 056.
- 3 The Tahsildar
Poonamallee Taluk
Poonamallee.

.. Appellants

Vs

V.M.Tharani

.. Respondent



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Prayer: W.A.No.1846 of 2023 filed under Clause 15 of the Letters Patent to set aside the order dated 23.11.2021 passed in W.P.No.11692 of 2006 by the learned Single Judge.
and batch cases

For the Appellants : Mr.S.Silambanan
in all appeals Addl. Advocate General
assisted by
Mr.K.Karthick Jegannath
Government Advocate

For the Respondent : Mr.V.Ramesh
in all appeals for Mr.T.Thiyagarajan

COMMON JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.Silambanan, learned Additional Advocate General, assisted by Mr.K.Karthick Jegannath, learned Government Advocate for the appellants; and Mr.V.Ramesh, learned counsel for the respondents in all the appeals.

2. The appellants assail the order passed by the learned Single Judge thereby allowing the writ petitions and holding that the



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impugned proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 stands lapsed. Directions are given to mutate the names of the original writ petitioners and to issue pattas.

3. Learned Additional Advocate General submits that the learned Single Judge failed to consider that notice under Section 11(5) of the Act of 1978 was issued on all the erstwhile owners of the property. The possession receipt is also on record. The notification under Section 11(3) of the Act of 1978 was issued. The notice under Section 12(7) of the Act of 1978 was issued and order under Section 12(6) of the Act of 1978 was passed. In view of that, the learned Single Judge could not have observed that the relevant notices have not been issued.

4. Learned counsel for the respondents denies the said contention and submits that no notices were issued.

5. The learned Single Judge has come to the conclusion that



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the entire work undertaken by the appellants herein was desk work and physical possession was not taken.

6. We also perused the documents, which, according to the appellants, are the documents evidencing the delivery of possession. Such document is only signed by the government officers. It does not bear the signature of the land occupant/owner. Even no notice appears on record to be given to the owner that the possession would be taken on a particular date. The surrender of possession was not a voluntary surrender of possession. As there is no voluntary surrender of possession, the only other mode of taking possession is forceful mode of dispossession. Notices under Sub-sections (5) and (6) of Section 11 of the Act of 1978 were also not issued. The same is held to be mandatory.

7. It also appears that the respondents are residing in the writ lands. They have their houses constructed. The learned Single Judge has rightly come to the conclusion that the entire work done



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by the appellants herein was only desk work and no physical possession has been taken as yet and, therefore, the entire acquisition has lapsed as per the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act [Act 20 of 1999].

8. We do not find any error committed by the learned Single Judge while passing the impugned order.

9. The writ appeals, as such, are dismissed. There will be no order as to costs. Consequently, C.M.P.Nos.16171, 16172, 16380, 16381, 16387, 16388, 16391, 16392, 16399, 16401, 16404, 16405, 16406, 16475, 16476, 16464, 16436, 16518 and 16519 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

27.07.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKE SAVALU, J.

(sasi)

W.A.Nos.1846, 1898, 1900, 1901, 1903, 1904,
1906, 1912, 1915 and 1926 of 2023

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