



W.A.No.2056 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM

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

AND

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

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1. The Special Commissioner &
Commissioner of Land Reforms
Chepauk, Chennai – 600 005.
 2. The Assistant Commissioner / U.L.T.
Competent Authority (Urban Land Ceiling)
Ambattur, E.V.r.Buildings
Aminjikarai, Chennai.
 3. The Tahsildar
Ambattur Taluk, Ambattur
Chennai – 55.
- .. Appellants
- Vs.
- N.Ranganathan .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 22.03.2021 in W.P.No.15860 of 2007.



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For the Appellants : Mr.S.Silambanan
Additional Advocate General
assisted by Mr.Karthik Jagannath
Government Advocate

For the Respondent : Mr.V.Ramesh
Senior Counsel
for Mr.T.Thiagarajan

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.S.Silambanan, learned Additional Advocate General assisted by Mr.Karthik Jagannath, learned Government Advocate appearing for the appellants and Mr.V.Ramesh, learned Senior Counsel for Mr.T.Thiagarajan, learned counsel for the respondent.

2. The appellants assail the order passed by the learned Single Judge thereby allowing the writ petition and holding that the impugned proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 stands abated. Learned Single Judge has also recorded that the proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 were initiated against dead persons. Directions are given to mutate the name of the original writ petitioner and to issue patta.



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3. Learned Additional Advocate General has produced the record and proceedings. From the record and proceedings, learned Additional Advocate General could not point out that the relevant notice under Section 11(5) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 is issued to the land owner. There is no document evidencing delivery of possession signed by the land owner.

4. In the absence of the statutory notice being given, the proceedings rightly abate. Reference can be made to the judgment of the Apex Court in the case of *State of Uttar Pradesh v. Hari Ram* reported in (2013) 4 SCC 280.

5. In the light of the above, the learned Single Judge has properly appreciated the facts and passed the impugned order.



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6. The writ appeal, being devoid of merits, stands dismissed.
There will be no order as to costs. Consequently, C.M.P.Nos.17472 &
17469 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)
09.08.2023

Index : Yes/No

Neutral Citation : Yes/No

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

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