



W.A.No.1902 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.1902, 1907, 1909, 1910, 1911 and 1913 of 2023

W.A.No.1902 of 2023:

- 1 The Special Commissioner,
and Commissioner of Land Reforms,
Chepauk, Chennai-600 005.
- 2 The Assistant Commissioner/
Urban Land Tax and
Competent Authority of Urban Land Ceiling,
Ambattur @ Poonamallee,
Chennai-600 056.
- 3 The Tahsildar
Ambattur,
Chennai-600 053.

.. Appellants

Vs

R.Bharathi

.. Respondent



W.A.No.1902 of 2023 etc.

Prayer: W.A.No.1902 of 2023 filed under Clause 15 of the Letters Patent to set aside the order dated 22.03.2021 passed in W.P.No.15859 of 2007 by the learned Single Judge.

and batch cases

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



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2. The appellants assail the order passed by the learned Single Judge thereby allowing the writ petitions and holding that the impugned proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 stands abated. Directions are given to mutate the names of the original writ petitioners and to issue pattas.

3. Learned Additional Advocate General has produced the record and proceedings. From the record and proceedings, the 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 owners. There is no document evidencing delivery of possession signed by the land owners.

4. In the absence of the statutory notice being given, the proceedings rightly abate. Reference can be had to the judgment of



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the Apex Court in the case of *State of Uttar Pradesh v. Hari Ram*,
(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.

6. The writ appeals, being devoid of merits, stand dismissed. There will be no order as to costs. Consequently, C.M.P.Nos.16395, 16396, 16407, 16410, 16416, 16426, 16427 and 16432 of 2023.

(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.AUDIKESSAVALU,J.

(sasi)

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