



WA No.1147 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM

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

AND

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

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1.The Competent authority (ULC)
Assistant Commissioner ULT, Madhavaram,
Urban Land Tax (Madhavaram Zone)
No.2, Vivek Nagar, Red Hills Road,
Kolathur, Chennai 99

2.The Tahsildar,
Madhavaram Taluk,
Thiruvallur District

: Appellants

versus

1.D.Thyagarajan
2.D.Jeevarajan
3.Grace Abraham

: Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order dated 13.03.2020 in WP No.5682 of 2012.

For the Appellants : Mr.P.Muthukumar,
State Government Pleader

For the Respondents : Mr.G.Ilangovan



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JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.Muthukumar, learned State Government Pleader for the appellants and Mr.G.Ilangovan, learned counsel for the respondents.

2. The present respondents had filed Writ Petition bearing WP No.5682 of 2012 challenging the notice under Form No.VII, dated 26.11.1998, issued under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978.

3. The learned Single Judge quashed and set aside the said notice and allowed the Writ Petition holding that the entire proceeding initiated by the present appellants are null and void and that the original writ petitioners are entitled for the benefit of the repeal Act.

4. We have perused the records provided by learned State Government Pleader.

5. Though the learned State Government Pleader tried to canvass that all the procedures have been followed; however, was at pains to point out from the records that possession was delivered by the occupier and/or physical possession



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was received by the present appellants. Learned Single Judge has arrived at a conclusion that the original writ petitioners continue to remain in possession even on the date of filing of the Writ Petition and that no physical possession was taken.

6. From the records also it does not appear that the physical possession has been taken by the present appellants from the respondents.

7. Reference can be made to the judgment of the Apex Court in the case of ***State of UP vs. Hari Ram [2013(2) LW 469]***.

8. In light of that, no error has been committed by the learned Single Judge while passing the impugned order. The writ appeal as such is dismissed and the record produced by the learned Government Pleader is returned back to him. There will be no order as to costs. Consequently, CMP No.7198 of 2021 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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