



WA Nos.1943 and 1944 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM

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

AND

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

WA Nos.1943 and 1944 of 2021
and CMP Nos.12568 and 12560 of 2021

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Revenue Department, Fort St. George,
Chennai 600 009.
2. The Special Commissioner & Commissioner
of Land Reforms, Ezhilagam, Chepauk,
Chennai 600 005.
3. The Assistant Commissioner (ULC),
Adambakkam, Chennai 600 088.
4. The Tahsildar,
Tambaram, Chennai-45. ... Appellants 1 to 4
in both appeals
5. The Tamil Nadu Land Reforms Special
Appellate Tribunal, Rep. by its Registrar,
Santhome, Mylapore, Chennai 600 004. ... 5th Appellant in
WA.No.1944/2021

-VS-

M/s.Aishtma Educational Trust,
Rep. by its Manager, No.53, Raja Muthiah Road,
Periamet, Chennai 600 003. ... Respondent
in both WAs.



WA Nos.1943 and 1944 of 2021

Prayer: Writ appeals filed under Clause 15 of the Letters Patent against the common order dated 09.07.2019 passed in W.P.Nos.25940 and 25941 of 2003 on the file of this Court.

For the Appellants : Mr.K.Karthik Jegannath,
1 to 4 in both WAS. Govt. Advocate

For the Respondent : Mr.V.Ayyadurai
Senior Counsel
for V.B.Perumal Raj

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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Both these writ appeals challenge the common judgment and order passed by the learned Single Judge dated 09.07.2019 passed in W.P.No.25940 and 25941 of 2013.

2. The proceedings are under the Urban Land (Ceiling and Regulation) Act, 1978.

3. We have heard Mr.K.Karthik Jegannath, learned Government Advocate for the appellants and Mr.V.Ayyadurai, learned senior counsel for the respondent.



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4. The Tamil Nadu Land (Ceiling and Regulation) Act, 1978 was repealed with effect from 16.06.1999. All the proceedings are deemed to have been abated in case the physical possession of the said premises is not taken over by the authorities under the Act 1978. As per Section 4 of the Repeal Act, every proceeding is abated in respect of the urban land in case on the notified date the owner is in possession of the land.

5. The learned Single Judge observed that the petitioner is in actual possession and enjoyment of the subject land on the date the Repeal Act came into force.

6. We have also gone through the record. The record also nowhere discloses the physical possession of the property being taken over by the State authorities nor compensation is paid.

7. The learned Single Judge has not committed any error while passing the impugned order.



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In view of the above, the writ appeals stand dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed. The original record is returned back to the learned Government Advocate.

(S.V.G., CJ.)

(P.D.A., J.)

20.09.2023

Index : Yes/No
Neutral Citation : Yes/No

sra



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THE HON'BLE CHIEF JUSTICE
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(sra)

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