



WA No.1698 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM

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

AND

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

WA No.1698 of 2023
and CMP No.15010 of 2023

1. The District Collector,
Chennai District,
Chennai 600 001.
2. The Special Commissioner and Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk, Chennai 600 005.
3. The Assistant Commissioner (ULT),
Egmore Zone, Kuralagam Complex,
Chennai-104.
4. The Tahsildar,
Ayanavaram Taluk,
Chennai 600 102.

... Appellants

-VS-

1. R.Sridhar
 2. R.Srinivasan
- Respondents

...

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 31.01.2022 passed in W.P.No.35063 of 2019 on the file of this Court.



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For the Appellants

:: Mr.P.Muthukumar
State Government Pleader
* * * * *

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.P.Muthukumar, learned State Government Pleader, for the appellants.

2. The State is challenging the order dated 31.01.2022 passed by the learned Single Judge of this Court in W.P.No.35063 of 2019. The writ petition was filed by the original petitioners to delete the name of the Government of Tamil Nadu from the revenue records relating to S.No.226/1, Part of Konnur Village, Ayanavaram Taluk, Chennai District.

3. The learned State Government Pleader submits that the possession was taken on 24.10.1997. The said proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 were never challenged by the concerned person. As such, the learned Single



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Judge could not have passed the impugned order.

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4. If the possession is not taken by the appellants of the vacant land, then in that case, the proceedings under the Urban Land (Ceiling and Regulation) Act axiomatically stands abated on 16.06.1999. Reference can be had to the judgment of the Apex Court in the case of ***State of U.P. vs. Hari Ram, reported in 2013-2-LW-469.***

5. We have also perused the records. It appears that the paper panchnama has been drawn on 24.10.1997. No signature of the owner or the occupant of the property appears on the same nor the signature of witnesses also appear. The learned Single Judge has observed that the property was sold in favour of Sree Baba Co-operative House Site Society Limited and thereafter, the subject land was laid into house sites. One of the house sites was purchased by the petitioner's father on 05.07.1965. After the purchase of the house site, part of the same admeasuring 1230 sq.ft. was sold by the petitioner's father to one R.Jothibai and thereafter, constructed the house. The said house was assessed to property tax and water tax even on 16.08.1968 itself.



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6. The learned Single Judge has not committed any error while passing the impugned order. The writ appeal as such is dismissed. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

The original file produced is returned to the learned State Government Pleader.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(sra)

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