



W.A.No.1989 of 2023

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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.AUDIKESSAVALU

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1. The Special Commissioner and
Commissioner Urban Land Ceiling
and Urban Land Tax
Chepauk, Chennai 600 005.

2. The Assistant Commissioner/
Competent Authority
Urban Land Tax
T.Nagar, Arcot Road
Kodambakkam
Chennai 600 024.

.. Appellants

Vs.

Vitor Ponnudurai Franklin

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the
order 23.07.2008 made in W.P.No.5112 of 2008.

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For the Appellants : Mrs.R.Anitha
Special Government Pleader

For the Respondent : Mr.Thomas T.Jacob

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mrs.R.Anitha, learned Special Government Pleader for the appellants and Mr.Thomas T.Jacob, learned counsel for the respondent.

2. Learned Special Government Pleader submits that the notice under Section 11(5) was served upon the land owner on 28.02.1991. The notice under Section 9(5) was served in the year 1988. The learned Single Judge failed to consider the said aspects.

3. Learned Special Government Pleader produced the record. We have perused the record. There is no evidence that the possession had been taken by the Government from the occupier of the land at the relevant date. The possession notice only bears the signature of



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the official and does not bear the signature of the occupier or the erstwhile owner. The learned Single Judge has considered the said aspect and has rightly relied upon the judgment of this Court in the case of ***V.Somasundaram v. Secretary to Government, Revenue Department [2007 (2) LW 109]***. Reference is also made to the case of ***State of U.P. v. Hari Ram [2013 (2) LW 469]***.

4. In the light of that, the appeal is sans merit and the same is dismissed. The record is returned back to learned Special Government Pleader. There will be no order as to costs. Consequently, C.M.P.No.16851 of 2023 is also dismissed.

(S.V.G., C.J.)

(P.D.A., J.)
27.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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