



WEB COPY



W.A.No.2738 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

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1.The Competent Authority/Assistant Commissioner,
Urban Land Ceiling,
Urban Land Tax, Tambaram Zone,
At No.153, Karuneegar Street,
Adambakkam, Chennai-600 083.

2.The Tahsildar,
Tambaram,
Kancheepuram District.

.. Appellants

Vs

K.Vasudevan

.. Respondent

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 31.1.2020 passed by the learned Single Judge in W.P.No.9132 of 2015.



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For the Appellants : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.K.Karthik Jegannath
Government Advocate

For the Respondent : Mr.K.Premkumar

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.A.Edwin Prabakar, learned State Government Pleader, assisted by Mr.K.Karthik Jegannath, learned Government Pleader for the appellants; and, Mr.K.Premkumar, learned counsel for the respondent.

2. The present respondent/original writ petitioner had filed a writ petition seeking quashment of the proceedings of the first appellant under the Tamil Nadu Urban Land (Ceiling) and Regulation Act, 1978.

3. It is the contention of the original writ petitioner that the mother of the original petitioner had purchased the property under a



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registered sale deed dated 18.08.1952. Thereafter, patta was issued on 30.07.1991. No notice was served under Section 11(5) of the Repeal Act. No possession was taken. As such, the proceedings under the Tamil Nadu Urban Land (Ceiling) and Regulation Act, 1978 would lapse.

4. Learned State Government Pleader submits that notice was issued to the original land owner. The original writ petitioner would be termed as an encroacher. The name of the original writ petitioner was not included in the revenue documents. According to learned State Government Pleader, the procedure has been properly followed. The name of Kuppu Naicker was recorded in the revenue record and notices were rightly served upon him.

5. It appears that patta was issued in the year 1991 before the start of the proceedings. The mother of the original writ petitioner purchased the property under a registered sale deed dated 18.8.1952. The land was a vacant land. The possession, admittedly, is not taken from the original writ petitioner. The learned Single Judge has perused the original records and arrived at a plausible



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conclusion.
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6. In the light of that, no case for interference is made out. The writ appeal is dismissed. The order would be confined to the extent of the property purchased under the sale deed dated 18.8.1952 i.e. 70 cents in Survey No.90/1. Consequently, C.M.P.No.17965 of 2021 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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