



WEB COPY



W.A.No.3054 of 2024 and
C.M.P.No.23125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.3054 of 2024 and
C.M.P.No.23125 of 2024

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai-600 009.

2. The Commissioner,
Urban Land Ceiling and Tax,
Chepauk, Chennai-600 005.

3. The Assistant Commissioner,
Urban Land Tax,
Alandur, Chennai.

4. The Tahsildar,
Office of the Taluk Office,
Sholinganallur, Chennai

... Appellants/Respondents

-VS-

1. Mr.V.Ramkumar

2. Mr.V.Gopinath

... Respondents/Petitioners

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 12.07.2023 made in W.P.No.4 of 2022.



WEB COPY



W.A.No.36 of 2023

For Appellants : Mr.A.Selvendran
Spl. Govt. Pleader

For Respondents : Mr.M.S.Seshadri

J U D G M E N T

(By P.B.BALAJI,J.,)

This Writ Appeal has been filed, challenging the order 12.07.2023 made in W.P.No.4 of 2022, in and by which, learned Single Judge allowed the Writ Petition, by giving the benefit of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999 (in short the 'Repeal Act, 1999').

2. The Writ Petitioners had challenged the proceedings dated 11.01.1991 of the 3rd respondent therein passed in SR N.65/90/A before the Writ Court and also sought to forbear the respondents 1 to 3 therein from taking any action under the Urban Land Ceiling Act in respect of the lands belonging to the Writ Petitioners, comprised in S.No.557/2 of Pallikaranai Village, Sholinganallur Taluk, Chennai District.

3. It was the specific case of the Writ Petitioners that they had been in peaceful possession of the subject land and after the grant of approval by CMDA, a construction has been put up and thereby they are in peaceful possession. It was the



W.A.No.36 of 2023

further case of the Writ Petitioners that after coming into force of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999, the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 was repealed. As per the Repeal Act, 1999, if the possession is not taken in terms of the original Act, all the proceedings under the Old Act shall stand abated. Moreover, notice under Section 11 (5) of the Land Ceiling Act should have been served on the respective land owners.

4. Learned Single Judge held that there was no acknowledgment to establish that the Government had taken physical possession of the property in question and thus, extended the benefit of the Repeal Act, 1999 to the Writ Petitioners.

5. On perusal of records, there is no proof to substantiate the claim of the appellants that notice under Section 11(5) of the Land Ceiling Act was served on the Writ Petitioners and there is no material produced even before us. In an identical issue in the case of *A.Chammundeswari and others vs. State of Tamil Nadu and another* [W.A.No.1194 of 2018] decided on 22.08.2023, it was held that when there was non compliance of Section 11(5) and (6) of the Act and physical possession has not been taken from the land owners, the Authorities cannot proceed any further, as the proceedings stood abated on the date of coming into force of the Repeal Act, 1999. This decision will squarely apply to the facts of the present case.



W.A.No.3054 of 2024

D.KRISHNAKUMAR,J.,

AND

P.B.BALAJI,J.,

ar

6. For all the above reasons, we are not inclined to interfere with the reasoned order passed by the Writ Court.

7. In the result, this Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K,J.] [P.B.B,J.]

18.10.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

ar

W.A.No.3054 of 2024