



W.P.No.36449 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.36449 of 2023

G.K.Ezhil

... Petitioner

versus

- 1.District Collector -Thiruvallur,
Collector Office,
Thiruvallur – 602 001.
- 2.The Commissioner – Land Acquisition (Urban Land Tax),
No.02, Vivek Nagar, Madhavaram,
Chennai – 600 099.
- 3.The Commissioner-Land Administration,
Collector Office,
Thiruvallur – 602 001.
- 4.Assistant Commissioner (A.D),
Land Surveyor,
Collector Office,
Thiruvallur – 601 202.
- 5.District Revenue Office,
Thiruvallur Railway Station Road,
Manavala Nagar,
Thiruvallur – 602 003.



W.P.No.36449 of 2023

6. Tahsildhar – Ponneri,
Taluk Office Road,
N.G.O.Nagar Extension,
Ponneri – 601 204.

7. Regional Division Officer,
Taluk Office Road,
N.G.O.Nagar Extension,
Ponneri – 601 204.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 7 to consider the representation dated 16.10.2023 for cancellation of the Notice in Na.Ka.No.351/88, dated 18.12.1990 sent under Section of Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 issued based on wrong UDR Patta in Patta No.30 and further issue Patta in favour of the petitioner.

For Petitioners : Mr.M.Ponmudi
For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

Mrs.V.Yamunadevi, learned Special Government Pleader accepts notice for the respondents. By consent of both parties, the main writ petition is taken up for final disposal at the admission stage itself.



W.P.No.36449 of 2023

2. This writ petition has been filed seeking for a mandamus directing the respondents herein to consider the representation of the petitioner dated 16.10.2023, wherein and whereby, he sought for cancellation of Notice in Na.Ka.No.351/88, dated 18.12.1990, issued under Section of 10(1) of 'Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978' [hereinafter referred to as 'the Act, 1978'] based on wrong UDR Patta in Patta No.30, consequently, issue Patta in favour of the petitioner.

3. The case of the petitioner is that the properties measuring an extent of 0.47 cents comprised in S.No.72, situated at Vadakarai Village, Ponneri Taluk, Thiruvallur District, originally belongs to the petitioner's grandfather and he has also obtained Patta in his favour in Patta No.22. Subsequently, the brother and sister of the petitioner's grandfather sold 0.23 cents out of 0.47 cents in the said survey number. Hence, the petitioner's grandfather was in peaceful possession and enjoyment of 0.24 cents. After the demise of the petitioner's grandfather, the petitioner's father was in peaceful possession and enjoyment of 0.24 cents in S.No.72. While so, the authority concerned wrongly issued UDR Patta for a total extent of 0.47 cents, instead



W.P.No.36449 of 2023

of 0.24 cents in favour of the petitioner's father. Subsequently, the authority concerned issued Notice in Na.Ka.No.351/88, dated 18.12.1990, under Section 10(1) of 'Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978' and acquired the subject property. Hence, the petitioner has given several representations to the respondents for cancellation of the said notice and issue Patta in favour of the petitioner. Since there was no response from the respondents, the present writ petition has been filed.

4. Heard both sides and perused the materials available on record.

5. The main contention of the petitioner is that UDR Patta in Patta No.30 was wrongly issued for an extent of 0.47 cents, instead of 0.24 cents in favour of the petitioner's father. It is a judicial notice that the UDR scheme came into force in the year 1984-1985. The authority concerned had issued Notice in Na.Ka.No.351/88, on 18.12.1990 under Section 10(1) of the Act, 1978. Challenging the said notice, the petitioner has filed the present writ petition, after a lapse of more than 30 years. On a perusal of the records, it is seen that the petitioner has not given any satisfied reasons



W.P.No.36449 of 2023

for not approaching this Court for more than 30 years. Further, the Patta is not a document of title, it is a document of possession and it can be relied on for the adverse possession.

6. Since the petitioner has approached this Court after a lapse of more than 30 years from the date of issuance of the impugned notice, this writ petition is liable to be rejected on the ground of delay and laches. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

05.01.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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W.P.No.36449 of 2023

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05.01.2024

Pg.Nos.7/7