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W.A.No.101 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.101 of 2022

1. The Assistant Commissioner of
Urban Land Ceiling and Urban Land Tax,
Collectorate Complex,
Coimbatore-641 018.
2. The Tahsildar,
Coimbatore North Taluk,
Coimbatore-641 018.
3. The Sub Registrar,
Sanganoor Road,
Ganapathy,
Coimbatore-641 006.

... Appellants/Respondents

-VS-

Murugan Nagar Makkal Pothunala Sangam,
Registered Society,
Rep. by its President Devaraj,
Site No.58, Murugan Nagar,
Chinnavedampatti Post,
Coimbatore-641 049.

... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 12.02.2018 made in W.P.No.17611 of 2012.



W.A.No.16611 of 2012

For Appellants : Mr.V.Manoharan
Addl. Govt. Pleader
For Respondent : Mr.P.L.Narayanan, Senior Counsel
For Mr.E.Hariharan

J U D G M E N T

(By D.Krishnakumar,J.)

This Writ Appeal has been filed, challenging the order of the learned Single Judge dated 12.02.2018 passed in W.P.No.17611 of 2012, by which the Writ Petition filed by the Writ Petitioner/respondent herein was allowed, with a direction to the respondents therein to delete the wrong entry in the revenue records of the subject lands as Government surplus lands.

2. Learned Additional Government Pleader submitted that the possession was taken as early as in 1999, much prior to the commencement of the Repeal Act, 20 of 1999 and the acquisition is saved under Section 3(1)(a) of the Repeal Act, 20 1999. He further submitted that the Writ Petition has been filed after a lapse of thirteen years from the date of acquisition order passed as early as on 13.12.1994. However, he fairly conceded that the Repeal Act will not attract on the facts of the present case.

3. Learned Senior Counsel for the respondent stoutly argued that the Writ Petitioner had earlier filed W.P.No.16610 of 1999, which was allowed on 02.09.2003 by observing as follows:



W.A.No.16610 of 1999

“2. It is now stated by the learned Government Advocate that possession has not been taken and in fact this Court has granted interim injunction by order dated 8.10.99 from interfering with the petitioner's possession, if possession has not already been taken. Now it is stated by the learned Government Advocate that possession has not been taken. If that be so, pursuant to the repealing the Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1978, by the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act, 1999, no further proceedings could be continued. The very Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1978 has been repealed with effect from 16.6.99. This legal position is accepted by the counsel on either side.

3. Therefore, in the light of the repealed provision, no further proceedings could be continued in respect of the lands of the petitioner. Hence, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.”

Subsequently, the order passed in W.P.No.16610 of 1999 was challenged before the Division Bench and the same was dismissed at the condone delay stage itself in W.A.SR.No.53341 of 2013 on 21.08.2013. Under such circumstances, the appellants have no right to re-agitate the issue on the merits of the matter.

4. Considering the facts and circumstances of the case and also the fact that provisions of the Repeal Act will not attract to the case on hand, individual members of the Respondent Sangam are directed to make fresh representations to the 2nd Appellant within a period of two weeks from the date of receipt of a copy of this judgment and on receipt of such applications, the 2nd Appellant shall consider the same and pass appropriate orders thereon in the light of the observations made herein-above, within a



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D.KRISHNAKUMAR,J.,
AND
K.KUMARESH BABU,J.,

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period of eight weeks from the date of receipt of applications. While confirming the
order dated 12.02.2018 of the learned Single Judge, this Writ Appeal is disposed of. No
costs.

[D.K.K., J.,] **[K.B., J]**
02.07.2024

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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