



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA No. 239 of 2024

1.Krishnaveni

2. N.Veeran

3.N.Devaraj

4. N.Mahalakshmi

5. N.Deivayanai

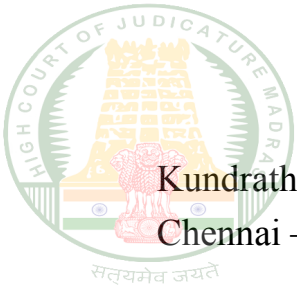
6. N.Thanikachalam

Appellant(s)

Vs

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

2.The Assistant Commissioner
Urban Land Tax,



Kundrathur at Alandur,
Chennai – 600 008.

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Respondent(s)

WA No. 239 of 2024

PRAYER

To set aside the order passed in WP.No. 17654 of 2009 dated 26.07.2019

WA No. 239 of 2024

For Appellant(s): Mr.C.P.Sivamohan

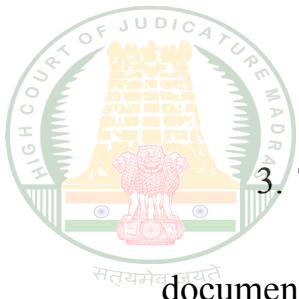
For Respondent(s): Mr.A.Selvendran SGP

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ order dated 26.07.2019 passed in W.P.No.17654 of 2009 is sought to be set aside in the present writ appeal. The writ petitioners are the appellants before this Court.

2. The writ petition was instituted challenging the proceedings of the Assistant Commissioner for Urban Land Tax dated 21.11.1995, on the ground that the said proceedings stand abated in view of Section 4 of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999.



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3. The learned Single Judge considered the issues with reference to the documents and found that notice had been served on the affected persons. In paragraphs 10 and 11 of the impugned writ order, the facts are narrated as follows:

“10. In the present case, the final notice under Section 11(3) of the Act was issued by the second respondent and the same was published in the Tamil Nadu Government Gazette No.36, dated 18.09.1996. Thereafter, final notice under Section 11 (5) of the Act was issued by the second respondent dated 26.02.1997 and the same was sent by RPAD directing the land owner to surrender or deliver possession of the excess vacant land. It was returned by the Postal Authorities with an endorsement 'not claimed' and the same was served on one Nagappan on 16.05.1997 by the Revenue Inspector of the second respondent Office.

11. In view of the postal Endorsement, this Court has no hesitation to arrive at a conclusion that notice is served on the interested person by virtue of Rule 8 (2)(a)(b) of the Tamil Nadu Urban Land



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Ceiling Rules, 1978 and after effecting the service required as per the Rules, the land was taken possession by the Government on 30.06.1997 and the same was handed over to the CMDA for formation of Outer Ring Road Project for the year 2005 and the said land is utilized for formation of Outer Ring Road Project. However, the petitioners have filed the writ petition on the ground no notice was served, which is unsustainable.”

4. The writ petition itself was instituted after a lapse of about 12 years from the date of taking possession of the subject property by the Government.

5. Mr.A.Selvendran, the learned Special Government Pleader appearing on behalf of the respondents would submit that the subject land has already been utilised by the Government for public purposes, especially for the formation of the outer ring road.



6. That being so, this Court finds no infirmity in respect of the impugned writ order and stands confirmed. Consequently the Writ Appeal is dismissed.

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There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

03-03-2025

Jeni

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

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