IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No. 2038 of 2021
And
C.M.P.No.12996 of 2021

1.The State of Tamil Nadu,
Rep. by Secretary,
Revenue Department,
Fort St. George,
Chennai – 600 009.

2.The Principal Commissioner,
Land Reforms,
Ezhilagam Buildings,
Chepauk, Chennai – 600 005.

3.The Revenue Divisional Officer,
Ambattur Circle, Ambattur.

4.The Assistant Commissioner,
Urban Land Tax,
Kundrathur and Office at Alandur,
Chennai – 600 016. ...Appellants

Vs.

1.M.P.Rajendran

2.M.G.Sukumaran ...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 17.10.2019 made in W.P.No.12513 of 2015 and allow this Writ Appeal.

For Appellants : Mr.P.Muthukumar, Addl. Advocate General
Assisted by Mrs.Akila Rajendran,
Govt. Advocate

For Respondents : Mr.J.R.K.Bhavanantham

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<u>J U D G M E N T</u>

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Under assail is writ order dated 17.10.2019 in W.P.No.12513 of 2015.

2. State preferred present appeal mainly on ground that proceedings under Urban Land (Ceiling and Regulation) Act concluded even before Repeal Act 20 of 1999 on 16.06.1999. Respondents/ writ petitioners are admittedly subsequent purchasers and therefore they have no right to question validity of proceedings concluded even before Repeal Act, 20 of 1999. Thus, Writ Court has committed error in appreciating these facts. Hence, Writ Appeal is to be considered.

3. Learned counsel for respondents would oppose by stating that original proceedings initiated under Urban Land (Ceiling and Regulation) Act by competent Authority and allotment dated 01.02.1996 made in G.O.Ms.No.69, Revenue Department was quashed by Tamil Nadu Land

Reforms Special Appellate Tribunal in TRP.No.406 of 1999. Tribunal remanded the matter back to competent Authority under the Urban Land (Ceiling and Regulation) Act to proceed under Sections 9 to 11 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 in the name of Dhanapal Naicker and South India Feeds represented by its Managing Partner Bagyalakshmi Ammal. Competent Authority had not proceeded further. Therefore, order of appellate Tribunal became final. The matter remanded remains as it is and question arises whether benefit of Repeal Act is to be extended to respondents in present Writ Appeal.

4. In this context, writ Court has considered issues and extracted Office Note dated 10.10.2018 of appellant. Principal Act 24 of 1978 was repealed vide Repeal Act 20 of 1999 on 16.06.1999. Assistant Commissioner has not initiated any acquisition proceedings. Subsequently, no action was initiated against Mr.Dhanapal Naicker, who is said to be original owner. Government also not preferred an appeal against order of Appellate Tribunal dated 05.12.2000. These facts are reported to Principal Secretary / Commissioner, (ULC and ULT). Therefore, writ Court concluded that Assistant Commissioner has not initiated any acquisition proceeding against vendor, pursuant to remand order passed by Appellate Tribunal. Order passed in TRP. No.406 of 1999 became final and during interregnum period, Repeal Act 20 of 1999 came into force on 16.06.1999. Since no subsequent proceedings are initiated pursuant to remand order passed by Appellate Tribunal, right of respondents / subsequent purchasers cannot be taken away.

5. Section 4 of Repeal Act 20 of 1999 provides abatement of legal proceedings. Accordingly, all proceedings relating to any order made or purported to be made under Principal Act pending immediately before commencement of this Act, before any Court, Tribunal or any Authority shall abate. In present case, remand order was not acted upon and thus entire proceedings stood abated. Subsequently, benefit of Repeal Act is to be extended in favour of respondents.

6. Consequently, the writ order impugned dated 17.10.2019 in W.P.No.12513 of 2015 stands confirmed and Writ Appeal stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) **(M.S.Q., J.)**
05.11.2025

dsa
Index :Yes/No
Neutral Citation :Yes/No
Speaking/Non-speaking order

To

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S.M.SUBRAMANIAM, J.
and
MOHAMMED SHAFFIQ, J.

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