IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.24104 of 2025

Sundarababu ... Petitioner

Vs.

1. The Tahsildar,
Ambattur Taluk,
Ambattur,
Chennai.

2. The Revenue Divisional Officer,
No.5-73, Gandhi Nagar,
Anna Nagar West Extension,
Chennai - 600 040.

3. The Revenue Secretary,
State of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

4. The Assistant Commissioner (ULC&ULT),
Madhavaram,
No.2, Vivek Nagar, Kolathur,
Chennai - 600 099.

5. The Principal Secretary and Commissioner of ULC&ULT,
Chepauk,
Chennai - 600 005. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to take immediate and appropriate steps to restore the patta online in the name of the petitioner relating to Survey No.85/1B for an extent of 1.44 ½ acres at Manjambakkam Village, Madhavaram Taluk, Thiruvallur District.

For Petitioner : Mr.G.Ilangovan

For Respondents : Mr.P.Sathish
Additional Government Pleader

O R D E R

This writ petition has been filed seeking issuance of a writ of mandamus directing respondents to restore patta in the name of petitioner in respect of land comprised in Survey No.85/1B measuring an extent of 1.44 ½ acres situated at Manjambakkam Village, Madhavaram Taluk, Thiruvallur District.

2. By consent of learned counsel appearing for both sides, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the subject property was purchased by petitioner vide sale deed dated 10.07.1997, registered as Document No.3255 of 1997 on the file of Sub Registrar, Redhills from one Santhosh Bai. Subsequent to the purchase, petitioner obtained separate patta vide Patta No.295 in respect of the subject property and prompt in making payment of urban land tax till July 2000. However, after July 2000 onwards respondent refused to accept urban land tax from petitioner on the premise that subject property stands vested with the Government under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. Thereafter, a notice was issued by fourth respondent to recover the possession of the subject land and the same was challenged by petitioner in W.P.Nos.43112 of 2002 etc., and batch before this Hon'ble Court. This Court, vide order dated 19.03.2013 has quashed the proceedings and the relevant portion of the same is extracted hereunder:

> *"17. The Hon'ble Division Bench of this Court, in the case of V.Somasundaram vs. Secretary to Government, Revenue Department, (2007) 1 MLJ 750, has laid down as under:-*

"From the perusal of the file it is clear that proceedings were initiated against the third respondent, who is the erstwhile owner of the lands in question, in respect of transfer of his land to the appellants herein. Section 11(5) notice was also issued to the third respondent, who was not the real owner. As per Section 11(5) of the Act, the competent authority is bound to issue notice in writing to any person, who may be in possession of the land, to surrender and deliver possession thereof, to the State Government or to any person duly authorised by the State Government, within thirty days time. No notice having been issued against the appellants, who are in possession of lands on 30.04.1999 by the second respondent is non-est. It is to be oted that due to the repealing of the Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1978, with effect from 16.9.1999, it is not open to the authorities to proceed against the appellants at this stage to rectify the non-compliance of Section 11(5) of the Act.

...

11. As rightly contended by the learned *counsel for the appellants, the appellants were not entitled to file appeal due to enactment of the Tamil Nadu Urban Land (Ceiling & Regulation) Repeal Act, 1999, from 16.9.1999. Hence the writ petition filed without availing the alternate remedy of filing appeal under Section 33 of the Tamil Nadu Urban Land (Ceiling & Regulation) Act, 1978, is maintainable."*

18. Therefore, in view of the settled law referred to above, the impugned notice asking the petitioners to hand over possession cannot be sustained in law.

19. Consequently, giving the benefit of Repeal Act, all these writ petitions are allowed. The proceedings initiated under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, are ordered to be quashed."

4. It is further submitted by learned counsel for petitioner that despite the said order, patta has not been restored in the name of petitioner. Therefore, petitioner submitted a representation dated 10.05.2024. However, the same has not been considered, hence, the present writ petition has been filed before this Court.

5. Learned Additional Government Pleader appearing for respondents would submit that, firstly as against the order of this Court, State had preferred an appeal. Secondly, there is no acknowledgment in respect of representation dated 10.05.2024 and therefore, the petitioner may submit a fresh representation with regard to restoration of patta in his name.

6. Taking into consideration the facts and circumstances of the case and the submissions made on both sides, there shall be a direction to the petitioner to submit a fresh representation seeking restoration of patta in respect of the subject property to the concerned respondent along with necessary documents and also a copy of this order, within a period of four weeks from the date of uploading of the web copy without waiting for the receipt of certified copy. On such representation being made, the concerned respondent shall pass appropriate orders keeping in view of the order passed by this Court in W.P.No.43112 of 2002 etc., batch, on merits and in accordance with law, within a period of eight weeks thereafter, after issuing notice and after affording a reasonable opportunity of hearing to petitioner

and other interested parties including rival claimants, if any. It is made clear that this Court has not expressed any view with regard to the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law.

7. Accordingly, this Writ Petition stands disposed of. No costs.

04.07.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

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MOHAMMED SHAFFIQ, J.

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