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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.17602 of 2022

Dr.B.Kumar .... Petitioner

-Vs-

1.The Secretary to Government
Revenue and Disaster Management Department
Urban Land Ceiling and Urban Land Tax Wing
Chennai-600 009.

2.The Commissioner
Urban Land Ceiling and Urban Land Tax
Chepauk, Chennai 600 005.

3.The Assistant Commissioner
Urban Land Ceiling and Urban Land Tax
No.13, Karuneegar Street
Adambakkam, Chennai 600 088.

4.The Tahsildar
Tambaram Taluk
Chengalpet District. .. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, Calling for the records of 3rd respondent herein in O.Mu. No.B/569/2022 dated 20.05.2022 and to quash the same as illegal and treat the Proceedings of the 3rd respondent as abated under Section 4 of the Tamilnadu Urban land (Ceiling and Regulation) Repeal Act (Act 20 of 1999 ) so



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as to enable the 4th respondent to incorporate the name of the petitioner and the other legal heirs as owner in respect of the lands in Old Survey No.210 /1 and subsequently renumbered as 210/1A and it was later sub divided as Survey No.210 / 36 and 210 /16 situated in Plot No.15 and 48 nanmangalam Village Tambaram Taluk as per the benefit provided under G.O. (Ms) 595 Revenue Department dated 26.08.2008.

For Petitioner : Mr.S.V.Vijay Prashanth

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 20.05.2022 and for a consequential direction to the respondents to grant patta in the name of the petitioner with respect to the subject property.

2.Heard Mr.S.V.Vijay Prashanth, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for respondents.

3.The grievance of the petitioner is that the subject property was originally a subject matter under the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1978. The petitioner's father and others questioned the proceedings on the ground that the Repeal Act, has already been come into the force in the year 1999 and the possession has not been taken and therefore, the entire proceedings abates.



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4.The Tamil Nadu Land Reforms Special Appellate Tribunal by an order dated 21.02.2001, allowed TRP No.434 of 1999 and held as follows:

> 3.On a perusal of the Department file by this Tribunal it is found that even though the notice under Section 11(5) of the Act was issued to the land owner, possession of the excess urban land was not taken over by the Government. It is admitted by the 1st petitioner in para 2 of his affidavit filed in support of his application that the petitioners have purchased the land in question from one Santhanakrishnan who in turn has purchased the same under a sale deed dated 7-9-89, which is mentioned in Serial No.6 of the type set of papers filed by the petitioners and which is subsequent to the commencement of the Act on 3.8.1976. Whatever it may, this petition in TRP.434/99 is dismissed as nothing survives for consideration in view of the fact that Tamil Nadu Urban Land (Ceiling and Regulation) Act 24/78 was repealed by the Tamil Nadu Repeal Act 20/99 and in view of the fact that possession of excess land was not taken over by the Government.

5.The petitioner has sought for patta in his name with respect to the subject property and the same was denied on the ground that the 3rd respondent did not grant NOC to the petitioner.



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6.In the considered view of this Court, once the Tribunal has held that the entire proceedings has lapsed after the coming into force of the Repeal Act, the property vests with the petitioner and therefore there is no occasion for the petitioner to seek for NOC from the 3rd respondent. The subject property involved in the present writ petition in Survey No.210/1A which was later sub divided as Survey Nos.210/36 and 210/16, forms part of the appeal proceedings before the Appellate Tribunal and it is evident from the memorandum of grounds of appeal filed before the Tribunal.

7.In the light of the above discussion, the impugned proceedings of the 3rd respondent dated 20.05.2022, is quashed and there shall be a direction to the 4th respondent to deal with the representation made by the petitioner seeking for patta with respect to the subject property and necessary orders shall be passed in this regard within a period of six weeks from the date of receipt of copy of the order.

8.In the result, this writ petition is allowed with the above directions. No costs.

01.04.2025

Index : Yes/No
NCS : Yes/No
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**N.ANAND VENKATESH, J.**



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