IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22555 of 2021

Maheswari .. Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St George.

2.The Principal Commissioner and
Commissioner of Land Reforms,
Ezhilagam, Kamarajar Salai,
Chepauk, Chennai – 600 005.

3.The Commissioner,
Urban Land Commission,
Director of Urban Land Tax,
Ezhilagam, Chennai – 600 005.

4.Assistant Commissioner,
Office of the Assistant Commissioner,
Urban Land Tax,
Kundrathur,
No: 153, Karunekar Street,
Adambakkam, Chennai – 600 088.

5.Manonmani .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to release the property of the petitioner measuring to an extent of 7.5 grounds in Survey Nos.7/2 and 7/3 in Door No:3/28, Annai Sathya Nagar Main Road, Ramapuram Village from the purview of the Tamil Nadu Urban Land Ceiling Regulation Act, 1978 as abated and incorporate the same on their record.

For Petitioner	:	Mr.S.Sai Shankar
For RR 1 to 4	:	Mr.P.Sathish Additional Government Pleader
For R5	:	No appearance

O R D E R

This writ petition has been filed to declare that the proceedings under the Tamil Nadu Urban Land Ceiling Regulation Act, 1978, as abated in view of the Repeal Act since the possession of the property was not taken under Section 11(6) of the Act on the date on which the Repeal Act came into force.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 4.

3.The subject property stood in the name of one Saroja in the revenue records. Steps were taken to acquire the excess vacant land held by the said Saroja under the provisions of the Act. After issuing notice, an extent of 6900 sq.mts was found to be excess vacant land and 500 sq.mts was found to be the lands which the said Saroja was found entitled. Thereafter, a notice under Section 9(1) of the Act was issued on 28.11.1997 for the proposed extent of 6900 sq.mts. Since, the urban land owner did not make any objections, the land was inspected and orders were passed under Section 9(5) of the Act, on 23.01.1998 to acquire excess vacant lands of 6900 sq.mts. Thereafter, a final statement under Section 10(1) of the Act was issued on 03.03.1998. The Notification under Section 11(1) of the Act was issued on 28.05.1998 and it was published in the Tamil Nadu Government Gazette on 22.07.1998. Subsequently, a Notification under Section 11(3) of the Act was issued on 29.10.1998 and it was published in the Tamil Nadu Government Gazette on 02.12.1998, thereby the excess vacant land vested with the Government on and from 30.11.1998. A notice under Section 11(5) was issued on 12.01.1999. The notice was returned 'undelivered'. Hence, the property was handed over to the revenue authorities on 19.03.1999.

4.The short issue that arises for consideration in the present writ petition is as to whether the possession was taken over to the extent of

6900 sq.mts of excess vacant land as on the date of the coming into force of the Repeal Act in the year 1999.

5.The original records that were placed before this Court shows that the notice under Section 11(5) of the Act was issued in the name of Saroja and this notice has been returned with an endorsement “not found in my delivery time”. Thereafter, there is absolutely no document to establish that the possession has been taken as contemplated under Section 11(6) of the Act.

6.The issue involved in the present writ petition is squarely covered by the earlier Division Bench judgment in ***V.Somasundaram and 2 others Vs. The Secretary to Government and 2 others*** reported in ***2007 (2) L.W. 109*** . The Division Bench had categorically held that if the possession has not been taken as on the date of the coming into force of the Repealing Act through Act 20 of 1999, the proceedings automatically abates. It was made clear that where there are no materials to show that the physical possession of the land was taken as mandated under Section 11(6) of the Act, the proceedings will stand abated.

7.In the case in hand, there is absolutely no material to show that the physical possession of the property was taken as mandated under Section 11(6) of the Act. Hence, the proceedings abate by virtue of the coming into force of Act 20 of 1999.

8.In the result, this Writ Petition is allowed and the relevant entries shall be made in the records maintained by the 4th respondent within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

18.03.2025

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1.The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St George.

2.The Principal Commissioner and
Commissioner of Land Reforms,
Ezhilagam, Kamarajar Salai,
Chepauk, Chennai – 600 005.

N.ANAND VENKATESH, J.

krk

3.The Commissioner,
Urban Land Commission,
Director of Urban Land Tax,
Ezhilagam, Chennai – 600 005.

4.Assistant Commissioner,
Office of the Assistant Commissioner,
Urban Land Tax,
Kundrathur,
No: 153, Karunekar Street,
Adambakkam, Chennai – 600 088.

W.P.No.22555 of 2021

18.03.2025