



W.P.(MD)No.8699 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

WP(MD)No.8699 of 2025

M.Boomalatha

... Petitioner

Vs.

1. The Government of Tamil Nadu

Represented by its Secretary to Government,
Revenue Department, Fort St. George,
Chennai-9.

2. The Assistant Commissioner

Urban Land Tax and Competent Authority,
Trichy Taluk, Trichy District.

3. The Tahsildar

K.Abhishegapuram, Trichy Taluk,
Trichy District.

4. The Village Administrative Officer,

KB, Abhishegapuram Village,
Trichy Taluk, Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents to restore the



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legal possession to the petitioner under Section 3(2)(a) of the Tamilnadu Urban Land (Ceiling and Regulation) Repeal Act 1999 of the property bearing Plot No.2 of an extent of 2000 sq. ft in Survey Nos.112/2 and 112/4 in the layout of house sites formed by pooling lands in the name of National Nagar out of 53 cents in Survey No.112/2 and 24 cents in Survey No.112/4 totally 77 cents in K.Abishegapuram Village Trichy Taluk and District.

For Petitioner : Mr.K.Sukumaran

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

I have heard the learned counsel on either side.

2. The petitioner seeks issuance of writ of mandamus, to direct the the respondents to restore the legal possession to the petitioner under Section 3(2)(a) of the Tamilnadu Urban Land (Ceiling and Regulation) Repeal Act 1999 of the property bearing Plot No.2 of an extent of 2000 sq. ft in Survey Nos.112/2 and 112/4 in the layout of house sites formed by pooling lands in the name of National Nagar out of 53 cents in Survey No.112/2 and 24 cents in Survey No.112/4, totally 77 cents in K.Abishegapuram Village Trichy Taluk and District.



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3. The petitioner relies on the order passed by this Court in W.P. (MD)No.11225 of 2014 vide order dated 12.10.2018, where in respect of the very same survey number, this Court directed that the writ petitioner there in was entitled to be restored to legal possession of plot No.4 , in the layout of house sites formed in the name of “National Nagar”. Admittedly, the petitioner in the present case also claims relief in respect of plot No.2 in the very same layout and comprised in the same survey numbers.

4. In fact, I am informed by the learned counsel for the petitioner that pursuant to the order of this Court in W.P.(MD)No.11225 of 2014, the authorities also have issued patta to the writ petitioner therein, viz., B.Nazhipunisha. Copy of the said patta is also made available for my perusal. It confirms that by proceedings dated 06.06.2023, patta has been mutated in the name of the writ petitioner therein, in respect of new survey number 35/3, old survey No.112/1, 2 part. The present petitioner is claiming right in respect of plot No.2 comprised in the very same survey numbers and additionally 112/4. The petitioner claims right only



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in respect of plot No.2 measuring 2000 sqft, which is also not only in the same layout but also same survey No.112/2 as well as 112/4. This Court in W.P.(MD)No.11225 of 2014 had taken into consideration various judgements of the Hon'ble Supreme Court and held that as long as physical possession remained with the writ petitioner, the writ petitioner was entitled to restoration of legal possession, for issuance of patta.

5.In the light of the above, the present writ petition is disposed of, directing the petitioner to give a fresh representation to the Tahsildar, including true copies of sale deeds and other relevant records. On such representation being made, the Tahsildar, shall verify the factum of physical possession being with the petitioner, making it clear that the property is vacant, it shall be deemed to be in lawful possession of the petitioner, since the possession follows title and shall pass orders on the petitioner's application to be made within a period of four weeks from today, seeking issuance of patta. Equally, the 4th respondent shall not put the ceiling proceedings against the writ petitioner and the only consideration would be factum of physical possession being with the writ petitioner. The fourth respondent shall consider the representation to be



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made by the petitioner within a period of four weeks from today and pass final orders within a period of eight weeks thereafter. There shall be no order as to costs.

28.04.2025

Internet : Yes/No
NCC : Yes/No
LS

To

1. The Secretary to Government,
Revenue Department, Fort St. George,
Chennai-9.
2. The Assistant Commissioner
Urban Land Tax and Competent Authority,
Trichy Taluk,
Trichy District.
3. The Tahsildar
K.Abhishegapuram,
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4. The Village Administrative Officer,
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P.B. BALAJI, J.

LS

Note: Issue order copy on 12.05.2025

Order made in
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Dated:
28.04.2025