BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A(MD)No.2559 of 2024
and
C.M.P(MD)No.18021 of 2024

1.The Commissioner of Land Administration,
Chepauk,
Chennai.

2.The Assistant Commissioner,
Urban Land Ceiling &
Urban Land Tax,
Madurai.

3.The District Collector,
Madurai District.

4.The Tahsildar,
Madurai South Taluk,
Madurai. ... Appellants / Respondents

Vs.

K.A.Ramila (Died) ... Respondent / Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to allow the Writ Appeal and set aside the order of this Court in W.P(MD)No.8674 of 2021 dated 11.09.2023.

For Appellants : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.N.Satheesh Kumar

For Respondent : Mr.G.Prabhu Rajadurai

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The State is on appeal challenging the order dated 11.09.2023 passed by the learned single Judge allowing W.P(MD)No.8674 of 2021 filed by one K.A.Ramila. During the pendency of the writ proceedings, the writ petitioner passed away and her son came on record.

2.The writ petitioner owned a large extent of land in Avaniyapuram Village, Madurai. They were declared to be surplus under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 on 10.12.1979. K.A.Ramila's husband filed an appeal under Section 33 of the Act before the appellate authority. The appellate authority vide order dated 22.02.1983 confined the ULC proceedings to Survey No.245 alone. It measured an extent of 1 Hectare 11 ares and 50 sq.mts of land. Notice under Section 10(1) of the Act issued on

26.02.1990. Gazette publication was made on 11.07.1990. Notification under Section11(1) of the Act was made on 25.05.1994. Notice under Section 11(5) of the Act was issued on 04.11.1994. As per the records maintained by the department, possession was taken over on 19.02.1997 and handed over to the revenue department. It is not in dispute that the revenue record reflected the name of the Government right from the year 1979 onwards. While so, K.A.Ramila filed W.P(MD)No.8674 of 2021 for directing the authorities to delete the entry made in the revenue record and substitute her name. The learned single Judge allowed the writ petition on 11.09.2023. Assailing the same, this Writ Appeal has been filed by the Government.

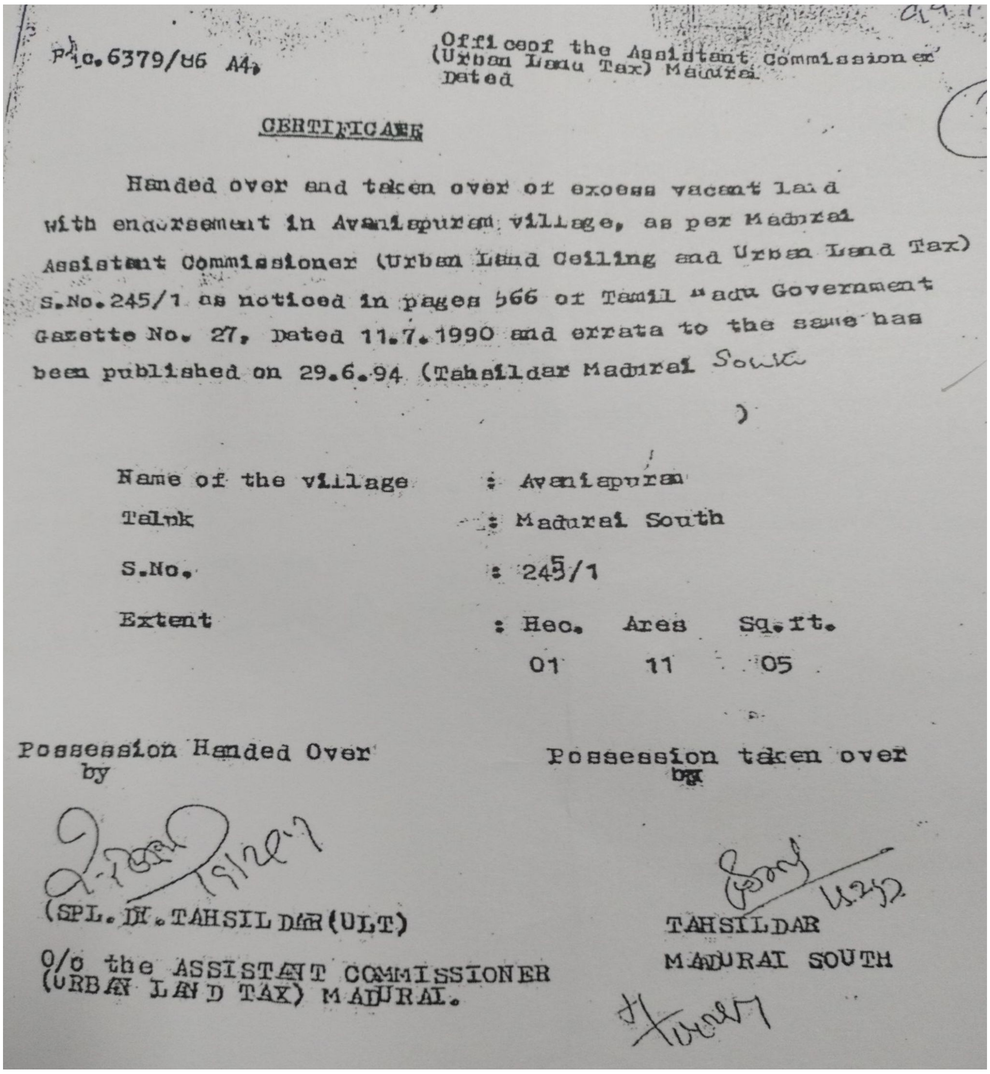
3.The learned Additional Advocate General raised two pointed contentions. According to him, the Repeal Act, 1999 will not apply to the facts on hand and the ULC proceedings did not abate because physical possession of the land had already been taken over on 19.02.1997. Secondly, in view of the the decision of the Hon'ble Supreme Court reported in ***(2015) 5 SCC 321 (State of Assam Vs Bhaskar Jyothi Sarma & Others)***, the challenge ought to have been repelled on the sole ground of laches. He pointed out that notice under Section 11(5) of the Act was issued and since the writ petitioner did not surrender possession under Section 11(6) of the Act, possession was taken over on 19.02.1997 itself. According to the learned Additional Advocate General, there was no need to issue further notice under Section 11(6) of the Act. He called upon this Court to set aside the order of the learned single Judge and dismiss the writ petition itself.

4.Per contra, the learned counsel for the writ petitioner / respondent submitted that the learned single Judge had correctly applied the legal principles and allowed the writ petition and that interference with the said order is not called for.

5.We carefully considered the rival contentions and went through the material on record.

6.It is not in dispute that notice under Section 11(5) of the Act was issued on 04.11.1994. Admittedly, the writ petitioner did not voluntarily surrender possession of the land. The question that calls for consideration is whether possession of the land was validly taken under Section 11(6) of the Act. The stand of the learned Additional Advocate General is that further notice or special notice under Section 11(6) of the Act need not be issued. This issue is no longer *res integra*. In the decisions reported in ***(2013) 4 SCC 280 (State of Uttar Pradesh Vs Hari Ram)*** and ***(2025) SCC OnLine SC 447 (A.P.Electrical Equipment Corporation Vs Tahsildar & Others),*** it has been categorically held that notice under Section 11(6) of the Act has to be issued.

7.The next question that calls for consideration is whether on the basis of the certificate dated 19.02.1997, this court can conclude that possession was taken. The said certificate reads as follows:



Rc.6379/86 A4.

Office of the Assistant Commissioner (Urban Land Tax) Madurai
Dated

CERTIFICATE

Handed over and taken over of excess vacant land with endorsement in Avaniapuram village, as per Madurai Assistant Commissioner (Urban Land Ceiling and Urban Land Tax) S.No.245/1 as noticed in pages 566 of Tamil Nadu Government Gazette No. 27, Dated 11.7.1990 and errata to the same has been published on 29.6.94 (Tahsildar Madurai South)

Name of the village	: Avaniapuram		
Taluk	: Madurai South		
S.No.	: 245/1		
Extent	: Hec.	Ares	Sq.ft.
	01	11	05

Possession Handed Over by

(SPL. DY. TAHSILDAR (ULT)
O/o the ASSISTANT COMMISSIONER (URBAN LAND TAX) MADURAI.

Possession taken over by

TAHSILDAR
MADURAI SOUTH

8.An identical issue was considered by a Division Bench of this Court in ***Government of Tamil Nadu Vs Aalim Muhammed Salegh Trust (2015) 1 CWC 388)***. Paragraph 10 of the said decision reads as under:

"10. In our considered view, all the above issues need not be gone into at this stage, as the only relevant issue for consideration is as to whether the land owner was dispossessed by the appellants in pursuant to the impugned proceedings or not. For such purpose, we have perused the files. The files disclose that a notice under Section 11(5) of the Act was issued on the said Baskara Pillai on 28.12.1992, calling upon him to surrender or deliver possession of the subject matter lands. Further, the competent authority addressed the District Collector of the then Chengalpet-MGR District at Kancheepuram, through proceedings dated 28.12.1992, requesting that the Tahsildar, Saidapet may be instructed to take possession of the lands from the urban land owner. Similar proceedings were also addressed to the Tahsildar of Saidapet on the very same day. Thereafter, there is nothing in the files to show that the land owner has either voluntarily surrendered the possession or the authorities have taken steps to take physical possession of the lands forcibly as per the procedures contemplated under the Act. On the other hand, only a Land Delivery Receipt, dated 24.2.1994 is available in the files, which shows that the subject matter lands have been handed over by the Revenue Inspector, Poonamallee and taken over by

Firka Revenue Inspector, Mori Firka. The said Land Delivery Receipt does not show anywhere that the said Baskara Pillai delivered the possession of the lands on his own or he was dispossessed forcibly, except showing him as the owner. Therefore, it is evident from the perusal of the files that only a symbolic or paper possession was taken by the Revenue officials of the appellants and factual and physical possession was never taken from the hands of the original owner or from the writ petitioner at any point of time."

9.The factual matrix that obtained in ***Aalim Muhammed Salegh Trust*** is exactly similar to what obtains in the case on hand. We therefore hold that mere issuance of land delivery receipt cannot be said to be in total compliance of the statutory mandate set out under Section 11(6) of the Act. The learned single Judge has rightly approach the issue.

10.The decision of the Hon'ble Supreme Court reported in ***(2015) 5 SCC 321 (State of Assam vs Bhaskar Jyoti Sharma)*** is also distinguishable on facts. The writ petitioner did not seek restoration of possession. She only sought mutation of revenue records. In matters such as the one on hand, the doctrie of laches cannot be lightly invoked. The State should meet the challenge on merits.

11.This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] **[K.R.S., J.]**
29.07.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA/SKM

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