



WEB COPY

WA No. 2224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 09.02.2026

Pronounced on : 25.02.2026

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WA No. 2224 of 2023
AND
CMP NO. 19246 OF 2023

1. P.Ganesan
S/o.Periyanna Gounder,
No.7/3, 6th Street, Lakshmipuram,
Peellamedu, Coimbatore-641 004.

Appellant(s)

Vs

1. The Competent Authority of Urban
Land Ceiling and Assistant
Commissioner of Urban Land Tax,
Adambakkam, Tambaram(E),
Chennai 600 088.

Respondent(s)

PRAYER:

Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside
the order dated 18-12-2015 in W.P.No.7592 of 2010 and allow the present Writ
Appeal.

For Appellant(s): Mr.P.Srinivas

For Respondent(s): Mr.T.Arunkumar
Additional Government Pleader



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JUDGMENT

(Judgement of the Court was made by C.Kumarappan J.)

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The present Writ Appeal is filed assailing the order of the learned Single Judge dated 18.12.202015. The appellant and the respondents are the petitioner and respondents respectively before the Writ Court.

2.For the sake of convenience, the parties will be referred to according to their litigative status before the learned Single Judge.

3.(a).The brief facts which are necessary for the disposal of the present Writ Appeal is that, the property bearing SF.Nos.242, 246, 248 and 254 of Thiruneermalai Village comes within the purview of “The Tamil Nadu Urban Land Ceiling Act” [hereinafter referred to as “the Act”]. Hence, based upon the proceedings under Section 9(5) of the Act, a draft statement was served upon the owners of the vacant land in excess of their ceiling limit. In pursuance thereof, authority took initiative to take possession of vacant land in excess of ceiling limit as per Section 11(5) of the Act. Thereafter, excess land was taken possession by the Tahsildar vide order dated 30.06.1993.

(b).Aggrieved with the same, an appeal under Section 13 of the Act was filed by the owners of the vacant land. In the above appeal, the proceedings



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under Section 11(5) was set aside, and remitted back to the competent authorities to again proceed from the stage of Section 9(5) of the Act.

(c).In pursuance thereof, notice was given and called upon the owners of vacant land to give their objections. After that, the impugned order dated 30.11.1994 was passed and was served upon them.

(d).It appears that when the matter was pending consideration by the competent authority under Section 13(5) of the Act, the petitioner purchased the subject land on 18.02.1993. However, before passing the order impugned in the writ petition, no notice was given to the petitioner. Challenging the same, he preferred the impugned writ proceedings. But, the Writ Court rejected the request of the petitioner. Aggrieved with the same, the present Writ Appeal is filed.

4.Heard Mr.P.Srinivas, learned counsel for the appellant/petitioner and Mr.T.Arunkumar, learned Additional Government Pleader appearing for the respondent/respondent.

5.The learned counsel for the petitioner would submit that on and from 18.02.1993, the petitioner became the owner of the subject land, therefore, he ought to have been given notice, when *de novo* proceedings started from the



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stage of Section 9(5) of the Act. It was contended that, since no notice was issued, the action of taking possession of excess vacant land under Section 11(5) of the Act is not binding upon him. It is also the further submission of the petitioner that no final order has been served upon the petitioner. Hence, prayed to interfere with the order of the learned Single Judge.

6.The said contention was stoutly objected by the learned Additional Government Pleader and would contend that after the matter was remanded in the year 1993, again Section 9(5) proceedings started and notice was issued to the owner of the vacant land and that such notice was received by one Thiru.Rudhramoorthy, the authorised power agent of Thiru.Koorathalwar on 06.02.1995 and that a fresh Section 11(5) proceedings were issued on 30.09.1997, and the possession of the vacant land was also acknowledged by the power agent of the owner. It is the further submission of the learned Additional Government Pleader that any sale of excess land after the Act came into force become null and void. It is the further submission of the learned Additional Government Pleader that, the petitioner being the subsequent purchaser and has purchased the property after the Act came into force, his sale become null and void. Therefore, he has no *locus standi* to challenge the proceedings under Section 11(5) dated 30.09.1997. Hence, prayed to dismiss the Writ Appeal.



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7. We have given our anxious consideration to either side submissions.

8. As per the Urban Land Ceiling Act, Section 4 mandates that except as otherwise provided in the Act, on and from the commencement from the Act, no person shall be entitled to hold any vacant land in excess of the ceiling limit. Section 5 of the Act deals about the ceiling limit in respect of vacant land situate in urban agglomeration under three categories. Section 6 of the Act deals about the Transfer of vacant land. According to Section 6, no person holding vacant land in excess of the ceiling limit immediately before the commencement of this Act, shall transfer any such land or, part thereof, by way of sale, mortgage, gift, lease or otherwise, until he has furnished a statement under Section 7 and a notification regarding the excess vacant land held by him has been published under sub-section (1) of Section 11; and any such transfer made in contravention of this provision will become null and void.

9. In the case in hand, admittedly, on 18.02.1993, the petitioner purchased the subject land viz., the property situate in SF.No.242 at Thiruneermalai Village. On that day, a proceedings under Section 11(5) of the Act was under challenge before the competent Authority. Therefore, by virtue of Section 11(4)



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(i) of the Act, any sale or transfer will become null and void. Here, the main ground urged by the petitioner is that, he was not issued notice after the earlier 11(5) proceeding was set aside and on the date of setting aside the 11(5) proceedings, he was the owner.

10.As discussed hereinabove, on the date of purchase of the property, there was a proceeding pending before the competent authority under Section 11(5) of the Act, to take possession of the excess land. Therefore, as per Section 11(4) (i) of the Act, any sale or transfer after the publication of notification under Sub Section (1) of Section 11 the Act, and after declaration of the excess vacant land, the sale become null and void. Therefore, though the sale deed stands in the name of the petitioner on 18.02.1993, the same becomes null and void in view of the above law. In the case in hand, the competent authority has issued notice to the authorized person of the original owner of the excess vacant land and ultimately took possession of the excess land.

11.In view of the above position, we do not find any infirmity in the order of the learned Single Judge.



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12.In the result, this Writ Appeal stands dismissed. No costs.

Consequently, connected CMP is also closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
-02-2026

Index:Yes

Speaking order

Internet:Yes

Neutral Citation:Yes

kmi

To

The Competent Authority of Urban
Land Ceiling and Assistant
Commissioner of Urban Land Tax,
Adambakkam, Tambaram(E), Chennai
600 088.



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S.M.SUBRAMANIAM J.
AND
C.KUMARAPPAN J.

kmi

**Pre-Delivery Judgement
in WA No.2224 of 2023
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25-02-2026