



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**WA No. 2864 of 2023
and
CMP.No.23800 of 2023**

1. The State of Tamil Nadu
Rep by its Secretary, Revenue Department,
Fort.St.George, Chennai-600 009.
2. The Principal Commissioner and
Commissioner of Land Reforms
Chepauk, Chennai -5
3. The Assistant Commissioner /
Competent Authority
Urban Land Ceiling, Kundrathur.

..Appellant(s)

Vs

1. V.Geetha Lakshmi (died)
2. B.R.Vidhyaalakshmi,



3. K.B.Gurudev

4. K.Sathguru

(R1 died is substituted by the respondents 2 to 4 as LR's of deceased sole respondent viz., Tmt.V.Geetha Lakshmi vide order of Court dated 04.08.2023 made in CMP.No.17318/2023 in WA.Sr.No.58887/2016 (RMDJ & MSQJ)

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters patent, seeking to set aside the order dated 26-08-2014 in WP.No.24528 of 2001.

For Appellant(s): Mr.T.Arun Kumar,
Additional Government Pleader

For Respondent(s): Mr. T. Thiyagarajan for R2 to R4
R1-DIED STEPS TAKEN.

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 26.08.2014 passed in W.P.No.24528 of 2001. The State of Tamil Nadu preferred the present intra-Court appeal under Clause 15 of Letters Patent, mainly on the ground that the present writ petition is a re-litigation and the issues were already adjudicated elaborately by this Court long back and an order came to be passed in the year 1993 itself. Thus re-adjudication of issues made in the writ order impugned is to be assailed.



2. The learned Additional Government Pleader for the appellant would submit that excess vacant lands were acquired under the Tamil Nadu Urban Land (Ceiling and Regulation) Act and was allotted to the Tamil Nadu Civil Supplies Corporation as per the G.O.Rt.No.627, Revenue dated 11.07.1996, an extent of 9110 Sq.Mtr in Survey No.226/3B of Manapakkam Village. The urban land owner, Smt.V.Geethalakshmi filed exemption petition before the Secretary to Government Revenue Department. Again, the urban land owner's husband, K.K.Balaguruvappa filed a petition before the Secretary to Government Revenue Department and it was not considered by the Government. Prior to that, Smt.V.Geethalakshmi filed W.P.Nos.4945 & 4946 of 1984 and this Court has dismissed both the writ petitions.

3. Pertinently, Act 1978 was repealed on 16.06.1999. The petitioner preferred a revision, after a gap of more than 24 years from the date of taking over of the land. After repeal Act, 1978, the functions of the revisional authority has been *functus officio* and therefore, the said revision was not disposed of on merits by the Government. Again, the respondent / V.Geethalakshmi filed W.P.No.24528 of 2001 and the said writ petition was allowed and therefore, the present intra-court appeal came to be instituted by the State.

4. The learned counsel for the respondents, Mr.V.Ramesh would oppose by stating that possession, if not taken in accordance with Act, the



entire proceeding became lapsed. The subject land is an agricultural land and the respondent is cultivating the land. Therefore, it is not capable of being acquired under the provisions of the Land Ceiling Act. When the respondent has a vested right in respect of the said land and paying Kist till the year 1985, the action taken by the authorities are untenable. The learned single Judge allowed the writ petition. Thus the present appeal is to be rejected.

5. This Court has considered the rival submissions made between parties to the litigation.

6. The fact remains that the respondents originally filed two writ petitions in W.P.Nos.4945 & 4946 of 1984 seeking the relief of declaration that the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 is ultra-vires and void. W.P.No.4946 of 1984 was filed seeking a direction to the respondents to permit the petitioner therein / owner to retain 462 Sq.mtrs in the southwestern corner of the land bearing S.No.226/3 in Manapakkam village and to pay adequate compensation for the balance excess land viz., 9331 Sq.meters in said S.No.226/3, if the petitioner is willing to surrender the excess land. This Court has elaborately considered the issues raised by the respondent and passed final orders on 03.03.1993. The operative portion of the order reads as under:

“5. However, the Assistant Commissioner of Urban Land Tax while passing the impugned order, took into consideration the members of the family of the petitioner, and allowed her to retain



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2000 square metres of Vacant land under Section 5(1)(iii) the Act, that is in Polichalur village 1538 square metre in S.No.165/1 and in Manapakkem village 462 square metres in S.No. 226/3. Out of the total extent available in S. No.226/3 of Manapakkam village, namely 3793.40 square metres 9331 square metres had been declared as excess land. Accordingly, a draft statement had been made and it was served on petitioner on 27.2.1980. She did not put forth any object But she has already opted for surrendering the lands in Manapakkam village In such a situation, the impugned order had been passed or the acquisition of the extent of land measuring 9331 square metres in S.No.226/3 of Manapakkam village under Section 11 of the Act.

6. The matter did not stop there and a notification had been made in the Gazette and thereafter, possession of the excess land had been taken over from the petitioner and a sub-division in the said survey number had taken place. It is not as if the petitioner was not allotted 462 square metres in S.No. 226/3 of Manapakkam village. But what she now wants is the allotment of 462 square metres in the said survey number on the southwestern It is not too late in the day for her to corner. claim such a thing.

7. For the reasons as above, both the Writ Petitions deserve to be dismissed and they are accordingly dismissed. No costs.”

7. The original file has been placed before this Court. A perusal of the original file would reveal that the respondent / owner had voluntarily surrendered the excess land and a letter was given by the owner in her own handwriting. Copy of the said letter is re-produced hereunder:



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from
Tmt. K. Geethalakshmi
14, Shanmugasayan street
and Washermen pet.
Madras-21

16-7-83
371

competent authority
Urban Land Ceiling
Kumathur
Madras-29

3781

Respected Sir,

Sub:- Tamilnadu Urban Land (Ceiling and Regulation)
Madras - Sriperumbudur Taluk - Manapakkam
Village - Tmt. K. Geethalakshmi - Excess Land -
Surrender regarding.

Ref:- Your office Notification No. SR-1134/78C
dt. 21-6-83.

With reference to your office notification
cited, I appeared and I submit the following few lines
for your kind consideration and necessary action.

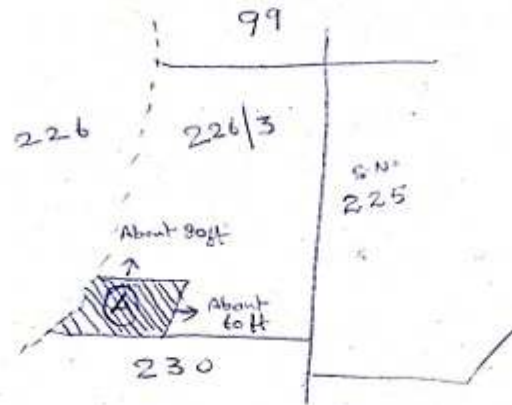
I am in possession of vacant land in
S.No. of 226/3 covering the extent of 9793 sq. mt. of
Manapakkam village of Sriperumbudur Taluk. No other
persons are entitled for this lands. As per your notification
I am ^{willing to} surrender an excess of vacant land of 9331 ^{sq. mt.}
belonging to the S.No. 226/3. In this
connection, I request you to make the boundaries for
the land to be surrendered, as under:-

North. S.No: 99
South. S.No: 230 & 226/3
East. S.No: 225
West. S.No: 226

I want to retain the land with in the
ceiling limit in my possession of 463 ^{sq. mt.} 27+52



land is given under:



As the vacant land, which is ~~to be~~ surrendered, is adjoining the road leading to Manapakkam Village, I earnestly request you to award me the maximum compensation for excess land ^{to be} surrendered; and also permit me to the land marked (A) in the sketch given above.

I request you to kindly consider my request and pass orders as early as possible.

Thanking you Sir.

Yours faithfully

Geetha Devi

14/7/83



8. The learned counsel for the respondent would submit that willing to surrender is not an actual surrender. It is hard to accept such an argument, since this Court has considered in the earlier writ petitions regarding the surrender made by the respondent. Paragraph 5 of the judgment extracted as above would show that the surrender was made voluntarily and thereafter, the excess land acquired was allotted to Civil Supplies Corporation by the Government.

9. Once the issues were adjudicated and the writ petitions filed by the respondent / original owner was dismissed on 03.03.1993, further writ petition filed in the year 2001 is not entertainable and re-adjudication of the same issue after a lapse of several years is impermissible under law. Even in the order passed in the earlier writ petitions, this Court has made an observation that “it is now too late in the day for her to claim such a thing”. When this Court made an observation in the year 1993 that it was too late at that point of time, filing a writ petition in the year 2001 and adjudicating the issues already decided is impermissible. Therefore, writ order impugned is not in consonance with the principles of law.

10. The learned counsel for the respondent has referred the following judgments in support of his submissions:



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Sl.No	Description of Citations
1	(1977) 3 SCC 247 Narandas Karsondas -Vs- S.A.Kamtam & another
2	1982 SCC Online Ori 43 (Benjamin Mohanty -Vs- State of Orissa & another)
3	1989 SCC Online Cal 97 (Pratima Paul & Ors – Vs- the Competent Authority & Ors)
4	1997 SCC Online Mad 1594 (Commissioner of Land Reforms & another -Vs- Libra Electrical Meters (P) Ltd)
5	Order passed in W.P.No.3749 of 2001 (G.Krishnamoorthy & Ors -Vs- 1.The Govt of TN & Ors)
6	(2012) 4 LW 289 (1.The Govt of TN & Ors – Vs- M/s.Mecca Prime Tannery & Ors)
7	(2012) 4 SCC 718 (Vinayak Kashinath Shilkar -Vs- Deputy Collector and Competent Authority & Ors)
8	(2013) 4 SCC 280 (State of Uttarpradesh & Ors -Vs- Hariram)
9	(2014) 12 SCC 523 (Ganjan Kamlya Patil -Vs- Additional Collector & the Competent Authority (ULC) & Ors)
10	(2014) 15 SCC 332 (Mangalesan -Vs- State of Uttar Pradesh & another)
11	2014 SCC Online Mad 4505 (1.The Principal Commissioner & 2 Ors -Vs- 1.M.Venkataraman)
12	2019 SCC Online 1486 (T.V.Antony – Vs- State of Tamil Nadu and Other)
13	(2016) 4 SCC 531 (Vipinchandra Vadilal Bavishi -Vs- State of Gujarat & Ors)
14	2025 SCC Online SC 447 (A.P.Electrical Equipment Corporation -Vs- The Tahsildhar 7 ors)
15	2026 SCC Online SC 25 (Dalsukhbhai Bachubhai Satasia & Ors -Vs- State of Gujarat & Ors)

11. This Court has gone through the judgments referred above and found that the case of **Narandas Karsondas -Vs- S.A.Kamtam & another**



deals with the Transfer of Property Act and the cases in i) ***Vinayak Kashinath Shilkar -Vs- Deputy Collector and Competent Authority & Ors,***

ii) ***Mangalesan -Vs- State of Uttar Pradesh & another,*** iii) ***State of Uttarpradesh & Ors -Vs- Hariram and*** iv) ***Ganjan Kamlya Patil -Vs- Additional Collector & the Competent Authority (ULC) & Ors*** are not in respect of the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act. Other judgments relied on has no relevance with reference to the facts established in the present case and therefore, none of the judgments provide any avail to the respondents to secure any relief from the hands of this Court.

12. Accordingly, the writ order impugned dated 26.08.2014 passed in W.P.No.24528 of 2001 is set aside and this Writ Appeal stands **allowed**. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (C.K.,J.)
03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KKN



To

1. The Secretary,
State of Tamil Nadu,
Revenue Department, Fort.St.George,
Chennai-600 009.
2. The Principal Commissioner and
Commissioner of Land Reforms
Chepauk, Chennai -5
3. The Assistant Commissioner /
Competent Authority
Urban Land Ceiling, Kundrathur.



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

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