
(2012) 09 MAD CK 0212

In the Madras High Court

Case No : Writ Petition No's. 14099, 14499 and 15924 of 2007 and M.P. No. 1 of 2010 in Writ Petition No. 14099 of 2007 and M.P. No's. 1 of 2007 and 1 of 2009 in Writ Petition No. 15924 of 2007

Sumathi Srinivas and Others

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 17-09-2012

Acts Referred:

Citation : (2013) 1 LW 358 : (2013) 2 MLJ 56

Hon'ble Judges : K.N. Basha, J

Bench : Single Bench

Advocate : V. Ramesh for K. Moorthy and T. Thiyagarajan in W.P. Nos. 14099 and 14499/2007, Mr. V. Ramesh and T. Thiyagarajan in W.P. No. 15924/2007, for the Appellant; N. Srinivasan, Additional Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

K.N. Basha, J.—All these three writ petitions are arising out of a common question to the effect that whether the mandatory provision u/s 11(5) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Act 24 of 1978) (hereinafter referred to as "the Act") was complied with by serving notice to the petitioners and whether actual physical possession of the subject land was taken over from the petitioners and as such, all these three writ petitions have been heard together and disposed of by means of this common order. In all the above three petitions, the petitioner have come forward with the same and identical prayer of quashing the proceedings initiated u/s 9(5) of the Act and Section 11(5) of the Act by the competent authority, namely, the Assistant Commissioner of Urban Land Tax, Urban Land Ceiling, the fourth respondent herein, and consequently, to direct the third respondent in all these petitions to incorporate the names of the petitioners as owners in all revenue records.

2.0. In W.P. No. 14099 of 2007, the subject land is to the extent of 2100 Sq. Meters in Survey No. 72/10, Peerkankaranai Village, Tambaram Taluk. The

subject land was settled in favour of the petitioner by her mother vide settlement deed registered as document No. 5220/1998 dated 16.12.1998. The notice u/s 7(2) of the Act was issued on 06.03.1997 and it was alleged to have been served by affixture as the owner was not residing in the village. The notice u/s 9(4) together with draft statement u/s 9(1) of the Act was also alleged to have been served by affixture by sticking to a pole on 01.09.1997. It is alleged that the competent authority inspected the land on 21.10.1997 and noticed that the land is surrounded by houses and approach roads. The order u/s 9(5) of the Act, by which, an extent of 1,600 sq.mt. of land was declared as excess vacant land after allowing 500 sq. meters for family entitlement, was passed on 23.10.1997 and the said order was also alleged to have been served by affixture. On 28.04.1998, final settlement u/s 10(1) of the Act was issued and the same was also alleged to be served by affixture. The notifications under Sections 11(1) and 11(3) of the Act were published on 12.08.1998 and 11.11.1998 respectively. On 17.12.1998, notice u/s 11(5) of the Act was issued directing the land owner to surrender possession of the land. On 09.02.1999, the District Collector directed the Tahsildar to take possession of the subject land as the land owner failed to surrender the land. Finally, on 09.04.1999, possession of the land is alleged to have been taken and handed over to the Revenue Inspector, Tambaram.

2.1. In W.P. No. 14499 of 2007, the subject land is to the extent of 1550 Sq.Meter in Survey No. 144 of Peerkankaranai village, Tambaram Taluk. The land comprised in the said survey number was settled by one Saraswathiammal in favour of her children, the petitioners herein. The notice u/s 7(2) of the Act was issued on 06.03.1997 and it was alleged to have been served by affixture. The notice u/s 9(4) together with draft statement u/s 9(1) of the Act was also alleged to have been served by affixture by sticking to a pole on 20.08.1997. It is alleged that the competent authority inspected the land on 23.09.1997 and noticed that the land is surrounded by houses and approach roads. The order u/s 9(5) of the Act, by which, an extent of 1,050 sq.mt. of land was declared as excess vacant land after allowing 500 sq. meters for family entitlement, was passed on 25.09.1997. On 29.04.1998, final settlement u/s 10(1) of the Act was issued and the same was also alleged to be served by affixture. The notifications under Sections 11(1) and 11(3) of the Act were published on 12.08.1998 and 11.11.1998 respectively. On 14.12.1998, notice u/s 11(5) of the Act was issued directing the land owner to hand over possession of the land. On 09.04.1999, possession of the land is alleged to have been taken and handed over to the Revenue Inspector, Tambaram.

2.2. In W.P. No. 15924 of 2007, the subject land is to the extent of 1.67 acres in Survey No. 161, Perungudi village now Sholinganallur Taluk. The petitioner in the said writ petition purchased the subject land on 09.04.1975 and it was an agricultural land, as seen from the Adangal extract. The notice u/s 7(2) of the Act was issued on 12.02.1993 and there is no record to show that the said notice was served on the petitioner. The notice u/s 9(4) together with draft statement u/s 9(1) of the Act was sent in person on 01.11.1996 and later by Registered Post

with Acknowledge Due, which was returned by the postal department as "not claimed". The order u/s 9(5) of the Act, by which, an extent of 6,250 sq.mt. of land was declared as excess vacant land after allowing 500 sq. meters for family entitlement, was passed on 18.04.1997 and the said order was received by the petitioner on 25.04.1997. Against the said order, the petitioner sent a letter dated 13.05.1997 giving details about the family members and stating that the lands have been sold, except about 5 1/2 grounds retained by the petitioner, and the petitioner also submitted a copy of the said letter to the first respondent herein. However, on 25.07.1997, final settlement u/s 10(1) of the Act was issued and the same was sent to the petitioner by RPAD, which was received by the land owner on 25.07.1997. The notifications under Sections 11(1) and 11(3) of the Act were published on 14.10.1998 and 30.12.1998 respectively. On 10.02.1999, notice u/s 11(5) of the Act was issued directing the petitioner to hand over possession of the land and it was alleged to be served upon the petitioner only by affixture. Finally, on 01.06.1999, possession of the land is alleged to have been taken and handed over to the revenue department.

3. Mr. V. Ramesh, learned counsel for the petitioners, while assailing the impugned proceedings, put forward the following contentions:

(1) In W.P. No. 15924 of 2007, though notice under Sections 9(5) and 10(1) of the Act were served by registered post with acknowledgement due, the respondents have not explained as to why they have not served the notice u/s 11(5) of the Act through RPAD and why they have resorted to serve the notice by affixture. In the counter, it is not stated as to when the notice u/s 11(5) of the Act was served by affixture as the date is crucial.

(2) In W.P. Nos. 14099 and 14499 of 2007, the notice u/s 9(5) and 11(5) were served only through affixture and in the counter affidavit the respondents have not stated as to when Section 11(5) notice was served.

(3) In all the writ petitions, the petitioners are having the actual possession and no point of time, the physical possession of the subject land was taken over by the respondents and as such, the proceedings shall abate u/s 4 of the Act 20/1999.

(4) The contention of the respondents to the effect that the subject lands are vested with the Government, as they have served notice as per the provision u/s 9(5) and 11(3) of the Act, is unacceptable on the ground that the actual physical possession of the subject land are very well with the petitioners.

(5) In respect of W.P. No. 14099 of 2007, learned counsel would also point out that the Secretary, Urban Land Ceiling and Urban Land Tax, Board of Revenue, sent a communication under letter No. G3 244/77, dated 10.01.1979 to the mother of the writ petitioner stating that the land under her possession is within the urban land ceiling limit and as such, there is no necessity for granting any exemption. Such being the position, the respondents now cannot contend that the land under the possession of the writ petitioner is in excess of the land

ceiling act and pass the impugned order in respect of very name survey number, in which, the petitioner's land is situated with the same extent now.

4. Per contra, Mr. N. Srinivasan, learned Additional Government Pleader, would contend that these writ petitions are liable to be dismissed on the ground of delay and laches. It is pointed out by the learned Additional Government Pleader that the impugned orders were passed as early as in the year 1997, whereas, the writ petitions have been filed by the petitioners only in the year 2007 and there is no explanation for such a delay of 10 years in filing the writ petitions and therefore, the writ petitions are liable to be dismissed on the ground of delay and laches. The learned Additional Government Pleader would further contend that in all these petitions, notices issued u/s 9(4), 9(5) and 11(5) of the Act were served on the registered land owners through the registered post with acknowledgement due. It is pointed out by the learned Additional Government Pleader that in respect of W.P. No. 15924/2007, notice Section 9(4) and 10(1) of the Act have been served through RPAD and notice u/s 11(5) of the Act was served by affixture. In respect of the remaining two writ petitions, all the notices were served through affixtures on the registered land owners. Therefore, it is contended that the possession of the subject lands were already taken over by the Government. The learned Additional Government Pleader took enormous pains to contend that once land is notified as per provision u/s 11(3) of the Act, the subject land is vested with the Government and as such, the petitioners cannot contend that they are in actual possession of the subject land.

5. In order to substantiate his contentions, learned Additional Government Pleader would place reliance on the following decisions:

(1) Smt. Sulochana Chandrakant Galande Vs. Pune Municipal Transport and Others, and

(2) G. Sadagopan represented by Power of Attorney D. Sampath Vs. Special Commissioner, Land Reforms and Assistant Commissioner, ULT and ULC/Egmore

6. Mr. V. Ramesh, learned counsel for the petitioners, by way of reply to the contentions of the learned Additional Government Pleader, would point out that merely because notification was issued u/s 11(3) of the Act, the Government cannot contend that they have taken over the actual possession of the subject land from the petitioners and it is for the Government to proceed further under Sections 11(5) and 11(6) of the Act in order to take over the physical possession. The learned counsel would point out that the said question was dealt with by the Hon'ble First Bench of this Court in Govt. of Tamil Nadu rep. by the Commissioner and Secretary to Government, Revenue Department, Secretariat, Chennai-9 and Others V. Mecca Prime Tannery rep. by its Managing Director Tmt. V. Jayakodi, Chennai - 44 and Others reported in 2012 (6) MLJ 273 : 2012-4-L.W. 289 in a batch of writ appeals preferred by the State and the contention raised by the learned Additional Advocate General was rejected in this regard holding that as per the provision u/s 11(3) of the Act after the notification is

issued u/s 11 declaring the excess vacant land, the same shall be deemed to have been acquired and vested with the state government free from all encumbrances and Section 11(3) does not provide that after the notification, the state Government shall be deemed to have come into possession of the land so declared as excess land. It is pointed out by the learned counsel that the Hon''ble First Bench has held that after such vesting of the land in the State Government u/s 11(3) of the Act, the State has to initiate action for taking possession of the land, which is evident from the provisions contained in Sections 11(5) and 11(6) of the Act and it is also pointed out by the Hon''ble First Bench that as per the provision u/s 11(6) of the Act, the State Government u/s 11(5) of the Act shall issue notice to any person, who may be in possession, to surrender and deliver possession of the land to the state Government or any person duly authorised by the state Government in this behalf and in the event of the land owner or the person in possession fails to deliver the land and continues to be in possession of such land and the authority of the State did not take action u/s 11(6) of the Act for taking delivery or possession, then in such a case, the State Government shall not be deemed to be in possession of those lands.

7. This court carefully considered the rival contentions put forward on either side and thoroughly scrutinized the materials available on record and perused the affidavits filed by the writ petitioners, counter affidavits filed by the respondents and the impugned orders passed by the respondents.

8. At the outset, it is to be stated that in all the three petitions, the petitioners have come forward with a categorical version and plea that they are in actual physical possession of the subject lands. In order to substantiate the said claim, the learned counsel for the petitioners vehemently contended that the authorities, viz., the respondents herein have not served notices u/s. 11[5] of the Act in the manner known to law. Yet another factor to be borne in mind of this Court, at this stage, is that even as per the submissions of the learned Additional Government Pleader, the said notices have been served only to the registered land owners on the basis of the names recorded under the revenue records. Such being the position, it is crystal clear that the petitioners have not been served with the notices under Sections 9(4), 9(5) and 11(5) of the Act.

9. It is pertinent to note that in one of the writ petitions, i.e., in W.P. No. 15924 of 2007, the petitioner claimed that the actual and physical possession of about 5-1/2 grounds remains with him after he sold about 1 acre and 38 cents. It is also stated that various third parties, who have purchased the lands under the said survey numbers, have also put up construction and they are residing there.

10. In view of the above findings of this Court that the petitioners in all the three writ petitions have not been served with the statutory notices under Sections 9(4), 9(5) and 11(5) of the Act and on the other hand, the notices have been served on the registered land owners, this Court has no hesitation to hold that the respondents, at the worst, can claim that they have only taken the symbolic possession and not the actual and physical possession of the subject lands.

11. At this juncture, it is relevant to refer the decision of a Division Bench of this Court in *G. Krishnamoorthy and Others Vs. The Government of Tamil Nadu*, . In the said decision, the Division Bench placed reliance on the two earlier Division Bench decisions of this Court in respect of holding that notice u/s 11(5) is a mandatory one and has held as hereunder:

20.....The learned Special Government Pleader fairly admitted that as per the records, notice u/s 11(5) was not served on the petitioners. They heavily relied on "may" used in Section 11(5) of the Act in support of their submission that notice u/s 11(5) is not mandatory. We are not in agreement with their submissions, as it is concluded by various judgments of this Court and more particularly the judgment of the Division Bench of this Court (presided over by Honourable Mr. Justice Sathasivam (as he then was)) in *V. Somasundaram, Nityakalyani and V. Sugandhi Vs. The Secretary to Government Revenue Department, The Assistant Commissioner (Land Reforms and Urban Land Ceiling) and S. Pitchai*, of the said judgment is heavily relied on by the learned counsel for the petitioners, which is extracted here-under at P. 754 of MLJ.:

9. From the perusal of the file it is clear that proceedings were initiated against the third respondent, who is the erstwhile owner of the lands in question, in respect of transfer of his land to the appellants herein. Section 11(5) notice was also issued to the third respondent, who was not the real owner. As per Section 11(5) of the Act, the competent authority is bound to issue notice in writing to any person, who may be in possession of the land, to surrender and deliver possession thereof, to the State Government or to any person duly authorised by the State Government, within thirty days" time. No notice having been issued against the appellants, who are in possession of the lands as stated supra, taking possession of lands on 30.04.1999 by the second respondent is non-est. It is to be noted that due to the repealing of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, with effect from 16.09.1999, it is not open to the authorities to proceed against the appellants at this stage to rectify the non-compliance of Section 11(5) of the Act.

21. In another decision dated 18.06.2007 of the Division Bench presided over by the Honourable Mr. Justice S.J. Mukhopadhaya (as he then was), in W.A. Nos. 693 to 695 of 2003 in *Annie Jacob and Others v. State of Tamil Nadu and Another*, a similar view was expressed. Paragraph No. 8 of the decision is extracted here-under:

8. There is nothing on the record to suggest that the competent authority issued any notice in writing directing the original land holder or the appellants to surrender or deliver possession of the lands in question. Nothing has been produced to suggest that the original land holder or the appellants refused or failed to comply with such order and on failure the possession of the lands were taken by force. In absence of such notice u/s 11(5) or action taken u/s 11(6), a bald statement as made by the respondents that possession was taken on 10.02.1995, cannot be accepted.....

22. In view of categorical pronouncements of this Court, we are of the view that the notice u/s 11(5) is mandatory and in the absence of 11(5) notice, the entire proceeding is vitiated."

In the said decision, the Division Bench of this Court further held regarding the taking over of the possession as hereunder:

24. The learned counsel for the petitioners strenuously contended that the Act contemplates that if the persons in possession failed to deliver possession within 30 days of receipt of notice u/s 11(5), the Competent Authority has to take possession u/s 11(6) of the Act. The learned counsel has brought to our notice that the words "may for that purpose use such force as may be necessary" used in 11(6) indicates that to take actual possession, the Competent Authority is clothed with power u/s 11(6). In the absence of delivery of possession by land owner pursuant to notice u/s 11(5), the possession should have been taken through the manner suggested u/s 11(6). Since the notice u/s 11(5) was not even served, the symbolic possession is not a possession as contemplated under Sections 11(5) and 11(6) of the Act.

25. Further, it is surprising that while the third respondent issued a letter dated 13.11.1990 signed on 27.11.1990 directing the Deputy Tahsildar-II to serve notice u/s 11(5) of the Act, the Land Delivery Receipt was signed by the third respondent on the same day i.e. 17.11.1990 at the place "handing over" and the FIRKA Revenue Inspector signed at the place "taking over". That is, before the notice u/s 11(5) was served as per his own letter dated 13.11.1990 that was signed on 27.11.1990, the alleged taking over of possession in papers took place on 17.11.1990 and the same was relied on by the Government to sustain the order of the Tribunal.

26. The letter dated 13.11.1990 of the Competent Authority states that four Land Delivery Receipts were enclosed with the 11(5) notice in Form VII and those receipts are found at page 191-195 of the Notes File. The letter directed the Deputy Tahsildar-II has to serve two notices to the land owner. The Land Delivery Receipts state as follows:

The above extent has been delivered by me and taken possession of by FIRKA REVENUE DEPARTMENT.

(LAND OWNER) (REVENUE INSPECTOR) HANDEDOVER BY TAKEN OVER BY

Therefore, it is very clear that the take over of possession is complete only when it is signed by the land owner while delivering the excess land pursuant to u/s 11(5) of the Act in Form VII prescribed under the Rule 10(3) of the Rules. As stated above, if no such delivery of possession took place, the third respondent has to resort to 11(6) of the Act. Admittedly, in this case, the petitioners did not sign in the Land Delivery Receipt.

27. The learned counsel for the petitioners argued that there should be actual take over of possession and the take over of possession in paper is not the

physical possession of the surplus lands. If the land owner is not a party to the Land Delivery Receipt, the take over should be established by getting signature from independent witnesses, preparing Panchanama, etc. But the records reveal that it is only possession in papers.

The Division Bench of this Court also referred to an order of this Court dated 25.09.2006 in W.P. Nos. 33839 and 33911 of 2004, which reads hereunder:

7. To the same effect is the order of Justice R. Balasubramanian, dated 22.08.2006 passed in W.P. No. 17416 of 2004, where the learned Judge, reiterating the position that the possession means taking physical possession, has held, "Therefore, the sine qua non to keep the property declared as surplus under the provisions of the Act is that physical possession of the said property ought to have taken by the competent authority despite coming into force of the Repealing Act.

The Division Bench of this Court also referred yet another Single Judge order of this court dated 19.10.2006 in W.P. No. 29061/2003, which reads hereunder:

This Court in its judgment *Sosamma Thampy Vs. The Assistant Commissioner (ULT)-cum-Competent Authority (ULC) and The Special Commissioner and Commissioner of Land Reforms, Government of Tamilnadu*, has analysed all the previous case laws and categorically held that physical possession is required and mandatory under the ULC Act and noting in the file that symbolic possession is taken cannot be accepted as taking of physical possession. This Court is in complete agreement with the ratio laid down in the aforesaid decision which also squarely applies to the facts and circumstances of the case.

Lastly, the Division Bench of this Court also referred to a decision of the Hon''ble Apex Court, as hereunder:

34. The learned senior counsel for the fourth respondent argued that the Government has allotted the concerned land to them and the fourth respondent is involved noble cause of helping the disabled persons. He therefore, argued that the writ petition deserves to be dismissed.

35. We are not in agreement with his submission. Even according to the fourth respondent, the land is still remain vacant due to the stay granted by this Court while the earlier W.P. No. 12892 of 1991 was admitted. Further, in view of our categorical findings that the respondents failed to comply with the mandatory provisions of Sections 11(5) and 11(6) and since there was no actual take over of possession, the writ petitioners are entitled to for the benefits of Section 4 of the Repealing Act 20 of 1999.

36. The learned counsel for the petitioners also relied on the judgment of the constitutional Bench of the Honourable Apex Court in *Smt. Angoori Devi v. State of Uttar Pradesh and Others* JT 2000 (Suppl. 1) SC 295, wherein, it is held that all the proceedings under the Act must be held to have abated if the lands were not taken possession by the Government.

12. The above said decisions of the Division Benches have been followed by this Court in an unreported order dated 12.09.2011 in W.P. No. 19105 of 2008.

13. The principles laid down by the Division Benches of this Court, relying upon the judgments of the Hon"ble Apex Court, in the decisions cited supra are squarely applicable to the facts of this case as in this case also the mandatory provisions under Sections 9(5) and 11(5) of the Act was not complied with in all the three petitions and as such, by no stretch of imagination, the respondents can contend that they have taken over the actual and physical possession of the subject lands of the petitioners.

14. The last but not the least submission of the learned Additional Government Pleader is to the effect that once the notification is issued u/s 11(3) of the Act, the lands are vested with the Government and the petitioners cannot claim that they are in actual possession and they are only the encroachers of the subject lands and they are under the unauthorised possession of the subject lands. I am unable to countenance such contentions in view of the decision rendered by the Hon"ble First Bench of this Court in a batch of writ appeals preferred by the Government in Govt. of Tamil Nadu rep. by the Commissioner and Secretary to Government, Revenue Department, Secretariat, Chennai-9 and Others V. Mecca Prime Tannery rep. by its Managing Director Tmt. V. Jayakodi, Chennai - 44 and Others reported in 2012 [6] MLJ 273. Referring the said provision u/s 11(3) of the Act, the Hon"ble First Bench of this Court has held in the said decision as follows:

32. Section 11(3) of the Act very clearly provides that after the notification is issued u/s 11 declaring the excess vacant land, the same shall be deemed to have been acquired and vested in the State Government, free from all encumbrances. Section 11(3), therefore, does not provide that after the notification, the State Government shall be deemed to have come into possession of the land so declared as excess land. After such vesting of the land in the State u/s 11(3), the State has to initiate action for taking possession of the land, which is evident from the provisions contained in Section 11(5) and Section 11(6) of the Act. Section 11(5) contemplates issuance of notice by the State Government to any person, who may be in possession, to surrender and deliver possession of the land to the State Government or any person duly authorised by the State Government in this behalf. If the owner of the land or the person in possession refuses or fails to deliver possession of the land to the competent authority, the latter may take possession of the land even by using force, if necessary, as contemplated u/s 11(6) of the Act.

33. The phrases "shall be deemed to have been acquired" and "shall be deemed to have been vested absolutely in the State Government" occurring in Section 11(3) of the Act, in our considered opinion, mean that the right, title and interest in respect of the land shall be deemed to have been vested in the State Government and not possession of the land. After the right, title and invested (sic) is vested in the State Government by notification u/s 11(3), the State

Government has to take further action for taking possession of the land, if the land owner or any person in possession refuses or fails to surrender or deliver possession of the land so vested in the Government.

34.....

35. However, there are cases where although the competent authority issue the notice u/s 11(5) of the Act to the land owners or persons to surrender or deliver possession of the land, but the land owner or the person in possession fails to deliver the land and continues to be in possession of such land and the authority of the State did not take action u/s 11(6) of the Act for taking delivery of possession, then in such cases, the State Government shall not be deemed to be in possession of those lands.

The principle laid down by the Hon"ble First Bench in the decision cited supra is squarely applicable to the facts of the instant case as in this case also the respondents have not complied with the provision u/s 11(5) of the Act by issuing and serving notice on the petitioners and further, they have not taken any action as per the provision u/s 11(6) of the Act.

15. Yet another contention put forward by the learned Additional Government Pleader is to the effect that the writ petitions itself are liable to be dismissed on the ground of delay and laches contending that the impugned orders in all these writ petitions have been passed in the year 1997, whereas, the writ petitions are filed in the year 2007. It is pertinent to note that in respect of the writ petition in W.P. No. 14099/2007, the authority, viz., the Secretary, ULC and ULT, Board of Revenue, Chepauk, Chennai, has sent a communication to the mother of the petitioner stating that the subject land under the possession of the writ petitioner is well within the ceiling limit prescribed under the New Act taking into account the members of the petitioner's family and as such, it is stated in the said communication that the exemption from the provision of the Urban Land Ceiling Act is not necessary. It is stated by the said writ petitioner in the affidavit that only during the year 2007, some revenue officers came to the subject land and inspected the same and then only, the petitioner had the knowledge of the proceedings and filed the writ petition. In respect of the other writ petitions, the petitioners approached the revenue authorities for recording their names in the revenue records and only at that time, they came to know about the impugned proceedings. It is relevant to state that the said explanations offered by the petitioners for not filing writ petitions soon after the impugned proceedings are not refuted in the counters filed by the respondents. On the other hand, the respondents are silent in respect of W.P. No. 15924/2007 as the respondents, in their counter, have not whispered a word about the delay and laches and only in the other remaining two writ petitions, they have raised such a plea. This Court is also of the considered view that the petitioners having substantiated their claim of actual and physical possession, the writ petitions filed by the petitioners cannot be thrown out on the ground of delay and laches more particularly, the respondents have not taken any action as per the provision u/s 11(6) of the Act

with a view to take physical possession of the lands from the petitioners. In view of the aforesaid reasons, this Court has come to the irresistible conclusion that the impugned orders of the respondents are unsustainable in law and liable to be set aside. Accordingly, the impugned orders passed by the fourth respondent, dated 23.10.1997 in Na. K.C.P. 81/97D and 14.12.1998 in RC 1280/78D in W.P. No. 14099/2007 and dated 25.09.1997 in Na. K.C.P. 80/97D and 14.12.1998 in RC 1276/98D in W.P. No. 14499/2007; and the order of the second respondent dated 18.04.1997 in Ref. Rc. 469/96A and a final statement dated 23.07.1997 in W.P. No. 15924/2007 are hereby set aside and the writ petitions are allowed. Consequently, the third respondent in these writ petitions is hereby directed to incorporate the names of the writ petitioners in the revenue records as the owners of the subject lands. It is made clear that the above said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.