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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	:	10.12.2025
Pronounced on	:	19.01.2026

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD).Nos.18082 and 24379 of 2018

W.P.(MD).No.18082 of 2018

V.Purushothaman .. Petitioner

Vs.

1.State of Tamil Nadu
rep by
The Principal Secretary,
Higher Education Department,
St' George Fort,
Secretariat,
Chennai-600009.

2.The Vice Chancellor,
Tamil Nadu Dr.Ambedkar Law University,
Poompozil,
5, Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.

3.The District Collector,
Office of the District Collector,
Trichy District.

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4.The Commissioner,
Office of the Commissioner,
Trichy Corporation,
Trichy.

5.The State of Tamilnadu,
rep by Secretary to Government,
Revenue Department, Fort St.George,
Chennai.

6.The Director of Legal Studies,
Office of the Director of Legal Studies,
Purusaivakkam, Chennai.

7.The Principal,
Trichy Government Law College,
Trichy.

8.M/s.Simco Engineering Limited
(Formerly Known as
M/s.Iskramemeco Seahorse Limited)
Rep by its
Authorised Signatory
Mr.L.Sekar,
Having its registered office
at No.126, K.Sathanoor Road,
Trichy.

R5 to R7 are impleaded vide Court Order dated 21.08.2018 in W.M.P. (MD).No.16229 of 2018

R8 is impleaded vide order dated 19.09.2022.

.. Respondent/
Complainant

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PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to build Men's Hostel to the students of the Government Law College, Thiruchirappalli, Trichy District within the time stipulated by this Court.

For Petitioner : Mr.A.V.Saha for
Mr.R.Alagumani

For Respondent : Mr.R.Baskaran
Additional Advocate General assisted by
:Mr.S.R.A.Ramachandran
Additional Government Pleader
for R1, R3, R5 to R7
:Mr.G.Prabhu Rajadurai for
Mr.S.Karunamoorthy for R8

W.P.(MD).No.24379 of 2018

M/s.Simco Engineering Limited,
(formerly known as
M/s.Iskraemeco Seahorse Limited)
Rep by its Authorised Signatory,
Mr.L.Sekar,
Having registered Office at
No.126, K.Sathanoor Road,
Trichy 620 021. .. Petitioner

Vs.

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1. The Secretary to Government,
   Revenue Department,
   Fort St George,
   Chennai.
2. The Special Commissioner,
   Urban Land Ceiling & Urban Land Tax Department,
   Ezhilagam, Chennai.

3. The Assistant Commissioner,
   Urban Land Ceiling & Urban Land Tax Department,
   Trichy.

4. The Director of Legal studies,
   Office of Director of Legal studies,
   Purasaiwalkam, Chennai.

.. Respondent/
Complainant

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the 1st respondent pertaining to the impugned order vide Letter No.33176/ULC-I(2) / 2010-31 dated 03.12.2018 and quash the same as illegal, arbitrary and devoid of merits and consequently forbear the respondents from interfering in any manner, with the petitioner company's peaceful possession, enjoyment and occupation of the lands in Survey No. 174/1, 175/4A situated at K.Abhishekapuram Village, Trichy.

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For Petitioner : Mr.G.Prabhu Rajadurai for
Mr.S.Karunamoorthy

For Respondent : Mr.R.Baskaran
Additional Advocate General assisted by
:Mr.S.R.a.Ramachandran
Additional Government Pleader
for R1 to R4

COMMON ORDER

[Order of the Court was made by **Mr.K.K.RAMAKRISHNAN.J**]

The writ petition in W.P.(MD).No.24379 of 2018 has been filed by the representative of a Private Limited Company, namely, Simco Engineering Limited, seeking the issuance of a writ of **certiorarified mandamus** to call for the records from the first respondent pertaining to the impugned order in Letter No. 33176/ULC-I(2)/2010-31 dated 03.12.2018 and quash the same and consequently forbear the respondents from interfering in any manner with the petitioner-company's peaceful possession, enjoyment, and occupation of the lands comprised in Survey Nos. 174/1 and 175/4A, situated at K. Abhishekapuram Village, Tiruchirappalli District.

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2.The Public Interest Litigation in W.P.(MD) No. 18082 of 2018 has been filed by the writ petitioner seeking issuance of a writ of **mandamus** directing the respondents to construct a **Men's Hostel** for the students of the Government Law College, Tiruchirappalli.

3.Since the Government had already proposed to construct a **Men's Hostel** for the students of the Government Law College, Tiruchirappalli, on the subject land involved in W.P.(MD) No. 24379 of 2018, both the writ petitions were heard together.

4. Simco Meter Limited is a Private Limited Company incorporated under the provisions of the erstwhile Companies Act. The company commenced the manufacture of electrical meters in the name and style of "Simco Meters" in the lands comprised in Survey Nos. 174/1 and 175/4(A), situated at Abhishekarapuram Village, Tiruchirappalli District, measuring an extent of 34,599 square metres. In the year 1978, the Government of Tamil Nadu enacted the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (hereinafter referred to as "the Act, 1978"), fixing the cut-off date of surrender the excess land as 03.08.1976. In terms

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of the provisions of the Act, 1978, the company was required to furnish particulars relating to excess vacant land and accordingly they submitted an application on 14.09.1978, seeking exemption from the purview of the Act under Section 21-A of the Act, 1978. Pending consideration of the said application, the company sold its business to Southern Irrigation Private Limited by a registered sale deed dated 10.07.1983. Subsequently, on 23.04.1986, the Government of Tamil Nadu granted exemption by G.O.Ms.No.531, Revenue Department, subject to certain conditions, including that the land shall not be alienated or put to any use contrary to the exemption granted and that the land shall be utilized as per the conditions within the stipulated period. However, the landowner, namely Simco Limited, alienated the subject properties and also failed to utilise the land in accordance with the conditions stipulated in the exemption order dated 23.04.1986. In view of such violations, the Government withdrew the exemption granted earlier vide G.O.Ms.No.2384, Revenue Department, dated 27.11.1990. Thereafter, in December 1991 Simco Engineering Limited, submitted an application seeking exemption. The said request was rejected by the Government by communication dated 16.06.1995 and declared 17684 sq mtrs extent of land as Urban land. Aggrieved thereby, the petitioner challenged the same before the Principal

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Bench of the Madras High Court in W.P.No.1320 of 1995, which was subsequently transferred to the Tribunal constituted under the Act, 1978. The Tribunal, by its order in T.R.P.No.386 of 1999, dismissed the appeal, rejecting the contention of the company claiming exemption. The Tribunal further held that possession of the excess land had already been taken by the authorities and that the withdrawal of exemption was valid, in view of the violation of the conditions imposed under the exemption order. The copy of the said Tribunal order was received by the company only in the year 2005. Thereafter, the purchaser of the said company, namely, Iskraemeco Sea Horse Limited submitted a representation dated 24.10.2005 to the first respondent seeking issuance of a utilisation certificate. The said request was rejected by the Government vide G.O.Ms.No.475, Revenue Department, dated 23.08.2007, and the subject land was allotted for the benefit of legal education, namely, for the construction of a hostel for the Government Law College. Aggrieved by same, the petitioner company filed a writ petition in W.P.(MD) No.10037 of 2007, challenging G.O.Ms.No.438 of 2007. The said writ petition was disposed of without adjudicating the merits of the petitioner's claim, with a direction to the Government to reconsider the allotment and either confirm or cancel the same in accordance with law. Pursuant thereto, the

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petitioner submitted a fresh representation on 22.11.2016. However, the same was also rejected by the Government by order dated 03.04.2018. Challenging the said order dated 03.04.2018, the petitioner company has filed the present writ petition, contending, inter alia, that it continues to be in peaceful possession and enjoyment of the subject property and that impugned order is not sustainable in law.

5.The Government authorities filed a counter affidavit denying the allegations made by the petitioner. It was specifically contended that the petitioner company was not entitled to any exemption under the Act, that its earlier requests had been rejected by the competent authority, and that such rejection had attained finality. It was further stated that findings had already been rendered in the earlier proceedings to the effect that possession of the excess land had been taken over by the authorities and, therefore, the impugned order rejecting the petitioner's request was justified and in accordance with law.

6. A Public Interest Litigation in W.P.(MD).No.18082 of 2018 was also filed seeking construction of a hostel for the Government Law College. Both matters were heard together. Mr. R. Prabhurajadurai,

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learned counsel appearing for the writ petitioner in W.P.(MD).No.24379 of 2018, made the following submissions:

6.1 The learned counsel for the petitioner submitted that possession of the subject land was never taken in accordance with the procedure prescribed under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 and the Rules framed thereunder. It was contended that, since lawful possession was not taken by the authorities, the petitioner is entitled to the benefit of the Repeal Act and, consequently, entitled to retain possession of the property.

6.2 The learned counsel further submitted that the petitioner continues to be in physical possession of the property, which is bounded by a compound wall, and therefore, the alleged taking over of possession by the authorities is incorrect and contrary to law. Particular reliance was placed on the communication dated 16.06.1995, wherein it was stated that the competent authority was required to initiate proceedings under Sections 9 to 11 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act. According to the learned counsel, since possession was not taken in the manner known to law, the alleged vesting is not legally sustainable.

6.3 It was further argued that, though the Government had directed production of the entire original file, the complete records were not

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produced and there is no documentary evidence to establish that possession was taken in accordance with law. Therefore, the learned counsel submitted that the provisions of the Repeal Act automatically apply, rendering all pending proceedings abated, and that the petitioner is entitled to retain the land. On these grounds, the petitioner seeks relief in the present writ petition and placed reliance on the following precedents.

2025 SCC Online Sc 447

2015 SCC Online Mad 13913

2012 6 MLJ 272

W.P.(MD).No.8674 of 2021

W.A.(MD).No.2559 of 2024

1997 3 SCC 261

7.**Per contra**, the learned Additional Advocate General submitted that the writ petition filed in the year 2018 is too belated, inasmuch as it seeks to challenge proceedings which had attained finality as early as in the year 1995. It was contended that the rejection order dated 16.06.1995 had already been challenged by the petitioner company before the competent Tribunal and, after due consideration of all relevant aspects, the Tribunal dismissed the appeal, specifically holding that the provisions of the Repeal Act were not applicable, since possession of the excess land

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had already been taken over by the authorities. The learned Additional Advocate General placed strong reliance on the findings of the Tribunal to the effect that the acquisition proceedings stood completed and were duly recorded. It was submitted that any subsequent claim made by the petitioner is legally untenable. It was further pointed out that the exemption earlier granted was withdrawn on account of violation of the conditions imposed thereunder and that the subsequent representations made by the petitioner were also rejected. The Tribunal in T.R.P.No.386 of 1999 dated 12.09.2000 has clearly recorded findings regarding the taking over of possession as well as the legality of the withdrawal of exemption.

7.1 It was further contended that the petitioner had never challenged the earlier orders rejecting the claim for exemption and withdrawing the exemption within reasonable and stipulated time and, having allowed the said orders to attain finality, the present writ petition is not maintainable.

7.2 The learned Additional Advocate General also submitted that the petitioner lacks locus standi, as even according to the official records, the land stands in the name of a different entity, namely, Defence and Engineering Systems Limited, and therefore, the present petitioner has no

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enforceable legal right over the subject property. On these grounds, he sought dismissal of the writ petition. In support of the said submissions, reliance was placed on the judgment of the Hon'ble Supreme Court in *State of Assam v. Bhaskar Jyoti Sarma and Others*, reported in (2015) 5 SCC 321.

8.This Court has considered the rival submissions made by the learned Additional Advocate General and the learned counsel appearing for the petitioner, perused the materials available on record, and examined the precedents relied upon by both sides. ***Since the case was filed after sixteen years from the dismissal on the request of the petitioner in the year 2000 in T.R.P.No.386 of 1999, and in the counter there was some over lapping of the facts against the records, this Court thoroughly examined the earlier judicial verdict and the records and inclined to adjudicate the writs on merits.***

9.From the materials on record, it is evident that one Simco Meters Company was owner of out of 34559 sq mtrs of urban in S.F.No.174/1 and 175/4A of K.Abhisekapuram Village within Trichirappalli Town. An extent of 17684 sq mtrs out of 34559 sq mts was declared as surplus

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urban vacant land under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (*herein after called as Act 1978*). The said Simco Meter company had submitted a statement under Section 7(1) of the Act, 1978 and also requested to exempt the company property from the purview of the Act 1978. Pending consideration, the said Simco meter company sold the property to the Southern extrusion private Limited vide sale deed dated 13.07.1983. The said sale was against the prohibition imposed under Section 6 of the Act, 1978 and as per Section 6 of the Act 1978, the Simco meter company should not sell to any other persons and the same is deemed as null and void. The same was not informed to the Government, but the Government had granted exemption vide G.O.Ms.No.531 dated 23.04.1986. with condition the company should not sell, gift, lease or mortgage the lands to any other person and lands exempted should be utilised within 2 years from the date of exemption order (ie.,) on or before 22.04.1988. Since the Simco Meter Company had violated the above mentioned two conditions, the Government had withdrawn the exemption granted on 23.04.1986 by issuing G.O.Ms.No.2384 dated 27.11.1990. The said withdrawal order was never challenged by the original owner and, therefore, attained finality.

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10.Thereafter, the present writ petitioner, claiming to be the owner of the company and property, submitted representations dated 01.02.1991 and 23.04.1991, and claimed exemption independently. The said request was declined by the Government by order dated 16.06.1995, which was subsequently challenged before this Court in W.P. No. 13204 of 1995 with the following prayer

> *"Writ Petition No.13204 of 1995 was filed in the High Court, praying for the issue of a writ of certiorarified Mandamus calling for the records of the 1st respondent in G.O.Ms.No.561 dated 16.06.1995 and quash the same and directs the respondent to approve the sale of the land and consider the application for exemption under Section 21(1)(a) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978."*

11.In the said writ proceedings, the Government had specifically taken the stand that possession of the excess land had already been taken over. The matter was subsequently transferred to the Tamil Nadu Land Reforms Special Appellate Tribunal and renumbered as T.R.P. No. 386 of 1999. The Tribunal rendered the following categorical finding:

> *The matter was examined by him giving due consideration to the points raised by both the counsel. After hearing the rival contentions and after perusing the orders*

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of the authorities below and the materials on record. I am of the view that the petitioner has no locus standi to question the withdrawal of exemption order dated 16.05.1985 and the petitioner is not entitled to the relief asked for in this petition.

17...Simco Engineering Limited at Door No.187 st, Pary's Road, Madras-18 there is no transfer of title in respect of the immovable property of the excess vacant land involved in this case and as such the petitioner company cannot claim to be the owner of the excess urban land involved in this case. Unless and un til the petitioner company Simco Engineering Limited got a registered sale deed in their favour executed by M/s.Southern Extrusion Private Limited who is the purchaser under the sale deed dated 10.07.1983, the petitioner company simco Engineering Limited cannot become the owner of the immovable property viz, the excess urban land involved in this case. In the absence of any registered sale deed in favour of the petitioner company simco engineering limited in respect of the excess urban land involved in this case, the petitioner company Simco Engineering Limited cannot be treated as the owner of the excess urban land involved in this case. Therefore, the claim of the petitioner company to set aside the withdrawal of exemption order dated 16.06.85 in G.O.Ms.No.561 and to direct the respondent to approve the sale of the land cannot be granted in the absence of any registered sale deed in favour of the petitioner company

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Simco Engineering Limited.

25.It follows from the above decision of the Supreme Court5 that after the vesting of the land under Section 11(3) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, of 1978 the Government has no right to withdraw from the acquisition of the excess urban land especially when possession was taken by the Tahsildar of Tirchi on 30.11.94 as mentioned in para 4 of the counter affidavit of the respondents, and the excess vacant land stands vested in the state free from all encumbrances and the previous owner stands divested of his right title and interest in the excess land as per Section 11(3) of the Act.

Considering the above facts and circumstances of the case I am to hold that the petitioner herein is not entitled to the relief of quashing the G.O.Ms.No.561 dated 16.06.85 and the petitioner is not entitled to the relief as directing the respondents to approve the sale of the land and to consider the application fro exemption and consequently I answer this point as against the petitioner and in favour of the respondents.

26.Point No.2: It is specifically stated in para 4 of the counter affidavit of the respondents that possession of the excess land was taken over by the Tahsildar of Tirichy on 30.11.84, and this is not denied by the petitioner even in the supplementary affidavit filed in support of this petition. Therefore, the Tamil Nadu Repeal Act, 20/99 will have no application to the facts of the present case. Hence, I hold

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that the proceedings in this matter will not abate under Section 4 of the Tamil nadu Repeal Act, 20/99, and this Revision petition is dismissed...

The said order was passed by the Tribunal on 20.09.2000 and attained finality. In this backdrop, "Iskraemeco Seahorse Limited" submitted another representation dated 24.10.2005 seeking issuance of a utilisation certificate in respect of the Government-declared excess urban land, possession of which had already been taken over and had reached finality in 1995. The said representation was dismissed by the Government vide G.O.Ms.No.475, Revenue Department, dated 23.08.2007, and the operative portion of which is extracted below:

3.முதன்மை ஆணையர் மற்றும் நிலச்சீர்திருத்த ஆணையரின் அறிக்கை மற்றும் ஒதுக்கீட்டுக்குழுவின் பரிந்துரையை அரசு நன்று ஆய்வு செய்தது. 1978 ஆம் ஆண்டைய தமிழ்நாடு நகர்ப்புற நில (உச்சவரம்பு மற்றும் முறைப்படுத்துதல்) சட்டத்தின் கீழ் கையகப்படுத்தப்பட்ட திருச்சிராப்பள்ளி நகரக்கூட்டுப்பகுதி அபிஷேகபுரம் கிராமம் புல எண்கள் 174/1A மற்றும் 175/4A2 இல் உள்ள 7700 ச.மீ மிகை வெற்று நிலங்களை திருச்சிராப்பள்ளி அரசு சட்டப் கல்லூரி மாணவர்கள் விடுதி கட்டுவதற்காக அரசு நிதி ஒதுக்கீடு மற்றும் கட்டிட வரைபட ஒப்புதலுக்குட்பட்டு சட்ட கல்வித்துளை இயக்குநருக்கு ஒதுக்கீடு செய்யலாம் என்றும் அரசு சட்டக் கல்லூரி மாணவர்கள் விடுதி கட்டுவதற்காக ஒதுக்கீடு செய்வதால் அரசாணை (நிலை) எண் 140

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வருவாய்த் துறை நாள் 20.02.1998 இன்படி இலவசமாக ஒதுக்கீடு செய்யலாம் என்றும் முடிவு செய்து அவ்வாறே அரவு ஆணையிடுகிறது.

12.Even though the said order was challenged by Iskraemeco Seahorse Limited in W.P.(MD) No.10037 of 2007, the writ petition was disposed of without adjudicating the merits of the challenge. Subsequently, the petitioner sought indulgence of this Court to consider another representation dated 24.10.2005 on merits. The same was also rejected by the Government vide order dated 03.12.2018, and the operative portion of which is extracted below:

> *6.Further, as per the Section 3(1) of the repeal act which reads the validity of any orders granting exemption under Sub Section (1) of the Section 21 of the Principal Act or an action taken there under shall not be affected. The above said company is not owner of the said land and also the company has not fully utilised the land. The possession of the land was taken over on 15.03.1995 itself. Further as per Section 3(1) of the repeal act in respect of land vested with Government, under Section 11(3) principal act and possession taken by the Government are saved. Moreover, the said land is allotted to Director of Legal Studies for construction of Law College Hostel for Men in G.O.Ms.No. 475, Revenue dated 23.08.2007. Hence, your representation*

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dated 24.10.2005 for utilization certificate, is not feasible for compliance.

13.Now, the said order has been communicated to "Iskraemeco Seahorse Limited" and, once again, the petitioner, namely **M/s. Simco Engineering Limited**, has filed the present writ petition challenging the order passed against the said company. The petitioner has failed to disclose the earlier finding rendered by the **Tamil Nadu Land Reforms Special Appellate Tribunal** in T.R.P. No. 386 of 1999, wherein it was specifically held that the petitioner company cannot be treated as the owner of the excess urban land. The contention that possession had not been taken was already negatived by the Tribunal vide its order dated 20.09.2000. After a lapse of sixteen years, the petitioner company has once again raised the plea that possession was not taken. In the considered opinion of this Court, the said plea is misconceived, and the petitioner has repeatedly filed writ petitions without any cause of action. To address the plea regarding possession, the then Hon'ble Judge had directed production of the file relating to the land in question. The learned Additional Advocate General submitted that, in view of the passage of time, it was not possible to produce the entire record. Before perusing the file, it is pertinent to note that the petitioner's plea regarding non-taking of

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possession was conclusively negatived by the Tribunal in T.R.P. No. 386 of 1999, which specifically found that possession had been taken on 30.11.1994, as extracted above. Furthermore, the petitioner has filed the present writ petition without any locus standi, as held by the Tribunal, and this Court finds no material to circumvent the findings of the learned Tribunal Judge. It is also relevant to note that the petitioner has represented that "Iskraemeco Regent Limited" has now been changed to its name. The plea of "Iskraemeco Regent Limited" was earlier rejected vide G.O.Ms.No.475, Revenue Department, dated 23.08.2007. Moreover, the petitioner company had received a notice under Section 12(7) of the Act and subsequently compensation amount under Section 12(6) of the Act also was determined and communicated as revealed from the file produced by the learned Additional Advocate General. For better appreciation, the relevant portion is incorporated hereunder.

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To-A4/701 o/90 Dated: 20.6.95

FORM XIV
(See Rule 11(3))

Notice under sub-section (7) of Section 12

Competent Authority (Urban Land Ceiling)
Tiruchirapalli.

Notice is hereby given that notification under sub-section (3) of section 11 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act 1978 having been issued by the Competent Authority (Urban Land Ceiling) in Notification No. 17 dated the 4.5.94 published at page 472 of part of the Tamil Nadu Government Gazette dated the detailed for the acquisition of the lands mentioned in the list below, which are declared as surplus over the ceiling limit for Thiruvalargal Simco Meters you are requested to appear in person or by authorised agent on 5.7.95 before the Competent Authority, Urban Land Ceiling, Tiruchy and to state the claims if any put in a statement in writing signed by you of your authorised agent.

showing the nature of your interest in the lands, the claims of the share of the amount payable under section 12 of the Act, and your objection (if any) to the claims of other interested persons and to put in a statement containing so far as may be practicable, the name of every person possessing any interest in the land or any part of it as owner mortgagee, tenant or otherwise as defined in clause (L) of Section 3 of the Tamil Nadu Urban Land Ceiling and Regulation) Act 1978 and the rents and profits (if any) received or receivable on account of it for five consecutive years immediately preceeding the date of publication of the notification is issued under sub-section (1) of section 11 of the Tamil Nadu Urban Land (Ceiling and ~~Section 22 of the Tamil~~ Regulation) of 1978 and also to furnish where any land which is seems to have been acquired under sub section (3) of section 11 of the Act is held by any person under grant, lease or other tenure from the Central of State Government, the terms of such grant, lease or other tenure

..2/-

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Name of the District	Taluk	Village	:2: Name of owner or registered holder or other person interested in the land	Ward	Block	RS TS No.	Excess vacant land Hect. area sq.mts.
1	2	3	4	5	6	7	8
Tiruchirapalli District	Tiruchirapalli Taluk	K.Abishekapuram	Tvl. Simco Meters			S.F.No. 174/1 and 175/4A	17,700 sq.mts.

Competent Authority,
(ULC) Tiruchirappalli

To
Tvl. Simco Meters Limited,
Meter Factory Road,
Tiruchirapalli-21.

(By RPAD)

19/6/95

SIMCO ENGINEERING LIMITED TIRUCHI-620 021

Received
R. Vincent
22/6/95

14.The file also contains the relevant record of proceedings by the Assistant Commissioner dated 14.06.1995, which confirms that possession was taken by the Tahsildar on 15.03.1995, and the same reads as follows:

பார்வை: திருச்சி வட்டாட்சியர் கடிதம் ப.மு.9578/94 நாள்:30.11.95

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இந்நேர்வில் மிகை வெற்று நிலத்தினை கடந்த 15.03.95-இல் வட்டாட்சியத் பொறுப்பெடுத்துக்கொண்டுள்ளதாக பார்வையில் காணும் கடிதத்தில் வட்டாட்சியர் தெரிவத்துள்ளார். எனவே சுவாதினம் பெறப்பட்ட நிலத்திற்கான ஈட்டுத்தொகையினை நில உரிமையாளருக்கு வழங்குவதற்கு பிரிவு 16(6) கீழ் நடவடிக்கை தொடர கோப்பினை அ4 பிரிவுக்கு மாற்றலாம்.

15.Therefore, it is evident from the original file produced before this Court that, although some papers were not traceable, the available records clearly establish that *de jure* possession under Section 10(3) and *de facto* possession under Section 10(5) had been taken and that compensation was determined under Section 12(6) of the Act and the same had been served upon the petitioner company on 22.06.1995, with proper endorsements acknowledging receipt by the petitioner company. Accordingly, the records demonstrate not only the vesting of title but also the factum of the de jure and de facto possession. Therefore, the petitioner is not the owner of the excess vacant land and lands were already vested with Government and both de jure and de facto possession had been taken over by the Government and their request of exemption has already been rejected on 16.06.1995 and the same reached its finality in T.R.P.No.386 of 1999 by order dated 20.09.2000 itself, and the petitioner company is not entitled to the benefit of the Repealing Act under Section 3(1)(8) of the

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Repeal Act, which reads as follows:

> *3.1.The repeal of the principal Act shall not affect:-*
>
> *(a)the vesting of any vacant land under Sub-Section (3) of Section 11, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority.*
>
> *(b)the validity of any order granting exemption under Sub-Section (1) of Section 21 or any action taken thereunder.*
>
> *2.Where*
>
> *(a)any land is deemed to have vested in the State Government under Sub-Section (3) of Section 11 of the Principal Act but possession of which has not been taken over by the State Government or any person duly authorised by the State Gtovernment in this behalf or by the competent authority; and*
>
> *(b)any amount has been paid by the State Government with respect to such land,*
>
> *then, such land shall not be restored unless the amount paid, if any, has been refunded to the State Government.*

In the said circumstances, the precedents relied upon by the learned counsel for the petitioner, namely, *State of U.P. v. Hari Ram* [(2013) 4 SCC 280] and *A.P. Electrical Equipment Corporation v. Tahsildar and*

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Others [(2025 SCC Online SC 447)] are not applicable to this facts of the case. On the contrary, the principles enunciated in *State of Assam v. Bhaskar Jyoti Sarma and Others* [(2015) 5 SCC 321], relied upon by the learned Additional Advocate General, squarely applies to the facts of the present case.

> ***16.*** *The issue can be viewed from another angle also. Assuming that a person in possession could make a grievance, no matter without much gain in the ultimate analysis, the question is whether such grievance could be made long after the alleged violation of Section 10(5). If actual physical possession was taken over from the erstwhile landowner on 7-12-1991 as is alleged in the present case any grievance based on Section 10(5) ought to have been made within a reasonable time of such dispossession. If the owner did not do so, forcible taking over of possession would acquire legitimacy by sheer lapse of time. In any such situation the owner or the person in possession must be deemed to have waived his right under Section 10(5) of the Act. Any other view would, in our opinion, give a licence to a litigant to make a grievance not because he has suffered any real prejudice that needs to be redressed but only because the fortuitous circumstance of a Repeal Act tempted him to raise the issue regarding his dispossession being in violation of the prescribed procedure.*
>
> ***17.*** *Reliance was placed by the respondents upon the decision of this Court in Hari Ram case [State of U.P. v. Hari*

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Ram, (2013) 4 SCC 280 : (2013) 2 SCC (Civ) 583] . That decision does not, in our view, lend much assistance to the respondents. We say so, because this Court was in Hari Ram case [State of U.P. v. Hari Ram, (2013) 4 SCC 280 : (2013) 2 SCC (Civ) 583] considering whether the word "may" appearing in Section 10(5) gave to the competent authority the discretion to issue or not to issue a notice before taking physical possession of the land in question under Section 10(6). The question whether breach of Section 10(5) and possible dispossession without notice would vitiate the act of dispossession itself or render it non est in the eye of the law did not fall for consideration in that case. In our opinion, what Section 10(5) prescribes is an ordinary and logical course of action that ought to be followed before the authorities decided to use force to dispossess the occupant under Section 10(6). In the case at hand if the appellant's version regarding dispossession of the erstwhile owner in December 1991 is correct, the fact that such dispossession was without a notice under Section 10(5) will be of no consequence and would not vitiate or obliterate the act of taking possession for the purposes of Section 3 of the Repeal Act. That is because Bhabadeb Sarma, erstwhile owner, had not made any grievance based on breach of Section 10(5) at any stage during his lifetime implying thereby that he had waived his right to do so.

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16.Therefore, this Court is inclined to hold that the rejection of the petitioner's claim is well-founded, within the jurisdiction of the authorities, and suffers from no infirmity. It is to be noted that the petitioner company has styled itself as **Simco Engineering Limited** (formerly known as **Iskraemeco Sea horse Limited**). However, in the statement of dates and events, the company is transferred and referred to as **Regent Defence Engineering and Engineering Limited**. In the circumstances, this Court is unable to find any justification for entertaining the writ petitioner's plea on the ground of authority to continue the writ petition even after the change of name to Regent Defence Engineering and Engineering Limited. Further, from the records, it is evident that the company was originally called **Simco Meter Limited**, and the said company sold the land as a running industry to **Southern Extrusion Private Limited** vide registered sale deed dated 10.07.1983. The said sale deed is void and illegal under Section 6 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. This position is fortified by the decision of the Hon'ble Full Bench of this Court in *P. Gopirathnam and Others v. Feerodous Estate (Pvt) Ltd.* [(1999) 3 LW 249], wherein the Hon'ble Full Bench held as follows

38.. *When Section 6 prohibits even proposed transfer,*

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question of considering validity or invalidity does not arise and the consequences are also already declared by the Act as null and void. It takes as if there is no transaction at all in the eye of law.

17.Subsequently, on the basis of the said invalid transaction, **Southern Extrusions Private Limited** was taken over by **Simco Engineering Limited**, which in turn was taken over by a new promoter namely **Seahorse Industries Limited**, and subsequently by other promoters, namely **Iskraemeco Seahorse Limited**, again **Simco Engineering Limited**, and finally **Regent Engineering and Engineering Systems Limited**. Accordingly, the petitioner's plea that the sale deed dated 10.07.1983 was not a speculative transaction is misconceived and amounts to an attempt to make a fortuitous claim over Government land. The petitioner has filed writ petition one after another without any cause of action, repeatedly taking the perpetual plea that possession had not been taken, which was conclusively negatived and attained finality on 30.09.2000 in T.R.P. No. 386 of 1999. For all these reasons, the writ petition in **W.P.(MD) No. 24379 of 2018** is liable to be dismissed.

18.In view of the above, while W.P.(MD) No. 24379 of 2018 is dismissed and the writ petitioner's prayer in W.P.(MD) No. 18082 of 2018

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is allowed. The official respondents are hereby directed to complete the construction of the **Government Law College Hostel, Tiruchirappalli**, within a period of **one year** from the date of receipt of a copy of this order.

19.Accordingly, **W.P.(MD) No. 24379 of 2018** is dismissed, and **W.P.(MD) No. 18082 of 2018** is allowed on the following terms:

19.1 The petitioner in W.P.(MD) No. 24379 of 2018 is not entitled to any right over the sanctioned land, excess land, or any portion thereof. The Government is at liberty to proceed with the construction of the **Government Law College Hostel** in the subject premises. The said construction shall be completed within a period of **one year** from the date of receipt of a copy of this order.

[G.J.,J.] & [K.K.R.K.,J.]
19.01.2026

Index :Yes/No
Internet :Yes/No
NCC :Yes/No

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1.The Principal Secretary,
Higher Education Department,
St' George Fort,
Secretariat,
Chennai-600009.

2.The Vice Chancellor,
Tamil Nadu Dr.Ambedkar Law University,
Poompozil,
5, Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.

3.The District Collector,
Office of the District Collector,
Trichy District.

4.The Commissioner,
Office of the Commissioner,
Trichy Corporation,
Trichy.

5.The State of Tamilnadu,
rep by Secretary to Government,
Revenue Department, Fort St.George,
Chennai.

6.The Director of Legal Studies,
Office of the Director of Legal Studies,
Purusaivakkam, Chennai.

7.The Principal,
Trichy Government Law College,
Trichy.

8.The Additional Advocate General
Madurai Bench of Madras High Court,
Madurai.

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DR.G.JAYACHANDRAN, J.

and

K.K.RAMAKRISHNAN, J.

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19.01.2026

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