



2025 INSC 510

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5414-5415/2010

T. UDAYKUMAR APPELLANT(S)

VERSUS

RAVICHANDRAN AND ORS. RESPONDENT(S)

WITH

CIVIL APPEAL NOS. 5420-5422/2010

CIVIL APPEAL NOS. 5423-5425/2010

CIVIL APPEAL NOS. 5444-5445/2010

CIVIL APPEAL NO. 5437/2010

O R D E R

Having heard the learned counsel for the parties at some length, we do not find any good ground and reason to interfere with the reasoning of the High Court and the findings recorded with regard to the acquisition of the land whereupon the Tamil Nadu Housing Board¹ became the owner of the subject extent of 0.90 cents of land located in Survey No. 297/1 of Kodambakkam Village, Mambalam, Guindy Taluk, Chennai.

2. We would like to add that the confusion has probably arisen on account of the incorrect mention of the total area of the

¹ For short, "TNHB".

acquired land in the order/judgment dated 13.03.1981 passed in CROP. No. 145/1976. In this order, by mistake, the extent of land has been written as 4.05 acres instead of 4.95 acres. It is clear to us, as the awarded compensation mentioned in the order dated 13.03.1981 is ₹62,209.82 (Rupees sixty two thousand three hundred nine and ninety two paise only), the figure which matches with the amount of compensation payable to the then owners, S. Velu Mudaliar and Rajalakshmi Ammal.

3. Reliance placed by the appellant, T. Udaykumar, on the Ratification Deed dated 19.01.2004, in our opinion, does not carry weight because what was ratified thereunder were the sale deeds executed in the year 1996. This will be of no consequence, as the sellers were not the owners of the land in question.

4. This is so, once we reject the argument that the land acquired was not 4.05 acres. In fact, as held above, the total land acquired was 4.95 acres. We agree with the findings recorded by the Division Bench of the High Court with regard to the letter dated 19.01.2001, which has not been accepted.

5. Nevertheless, we must comment that the TNHB is also not blameless, as it not only allowed the land in question to be occupied but even gave permission for construction, as a result of which several flats were constructed, and as many as 54 flats have been sold to third parties, some of whom were impleaded as respondent Nos. 12 to 64 before the High Court.

6. In fact, the Revenue authority, obviously with the knowledge of the TNHB, had issued Patta dated 10.06.2004 in the name of the predecessors from whom, the appellant, T. Udaykumar, had purchased the property. This Patta was cancelled on 15.06.2006. We uphold the cancellation of the Patta dated 10.06.2004. Patta was also issued in favour of the appellant, T. Udaykumar, after he had purchased the rights from the erstwhile Patta holder, which too has been cancelled by the cancellation deed dated 15.06.2006.

7. This Court, while issuing notice in the present appeals, *vide* order dated 02.11.2007, had directed that the appellant, T. Udaykumar, shall deposit ₹5 crores within six weeks with the TNHB, without prejudice to his rights and contentions. This Court had also directed that, out of 58 flats constructed in the disputed properties, 54 of which were allotted to the purchasers, who had also filed appeals before this Court, they would be permitted to occupy the flats, subject to the condition that they would undertake to abide by the result of the appeals, and would not alienate or part with the possession of the respective flat(s). Another direction given by the same order was that the remaining four flats, which had not yet been allotted, should remain with the appellant, T. Udaykumar.

8. It is apparent that the appellant, T. Udaykumar, in violation of the order passed by this Court, allotted two out of the four flats to C.S. Jayaraman and Kalavalli Selvaraj. On a pointed

question being put, it is accepted that payments for these two flats were received after the judgment of the High Court dated 05.10.2007 and the order of this Court dated 02.11.2007. We, therefore, reject the prayer for allotment of these two flats to the legal representatives or successors-in-interest of C.S. Jayaraman and Kalavalli Selvaraj. However, they are be at liberty to enforce their rights and claims against the appellant, T. Udaykumar, in accordance with law.

9. To balance out equities and keeping in view the fact that the TNHB itself is partly responsible for this imbroglio, and in order to protect the interests of innocent flat buyers whose transactions were completed long ago, we permit the said 54 flat buyers to continue to occupy and use their flats. They will be treated as absolute owners thereof. The sum of ₹5 crores deposited by the appellant, T. Udaykumar, shall be treated as sale consideration paid to the TNHB for the land on which the flats have been constructed.

10. In addition, the TNHB will be entitled to sell the remaining four flats, which have not yet been transferred and sold.

11. We are informed that there may be more flats, which have been constructed in the property. It will be open to the TNHB to deal with the said flats and the remaining land, if any, in the manner it deems appropriate.

12. We also make it clear that we have not pronounced on or examined the question of the rights/claims, if any, of the appellant, T. Udaykumar, against the persons who had sold or transferred the land to him.

13. Recording the aforesaid and on the above terms, the appeals are disposed of.

14. Pending application(s), if any, shall stand disposed of.

.....CJI.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
MARCH 27, 2025.