

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29/10/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.A. Nos.537, 1235 to 1239 of 2011

Sundaramoni Venkatesan @
Rani Venkatesan ..Appellant in WA.537/11
and 1st Appellant in WA.1239/11

L.N. Venkatesan ..Appellant in WA.1235/11
and 2nd Appellant in WA.1239/11

Mrs. Beela Rajesh, I.A.S.,
W/o. Mr.Rajesh Das ..Appellant in WA.1236/11
and 5th Appellant in WA.1239/11

Mrs. Beena Manivannan
W/o. R. Manivannan ..Appellant in WA.1237/11
and 4th Appellant in WA.1239/11

Karthik N. Venkatesan
S/o. L.N. Venkatesan ..Appellant in WA.1238/11
and 3rd Appellant in WA.1239/11

Vs

1. The State of Tamil Nadu
rep. By its Secretary
Housing & Urban Development Department
Fort St. George
Chennai 600 009. ..1st Respondent in all WAs.
2. The Chairman
Tamil Nadu Housing Board
Anna Salai
Nandanam
Chennai 600 035. ..2nd Respondent in WA.537/11
1235/11, and WA.1259/11

3. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai,
Nandanam, Chennai-35.

..2nd Respondent in
WA.1236/11 to WA.1238/11

4. The Special Tahsildar (LA)
Division 5
Tamil Nadu Housing Board
Anna Salai
Nandanam
Chennai 600 035.

...3rd Respondent in all WAs.

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 4/3/2011 passed in W.P.No.2347 of 2010, 4770/10, 4993/10, 5100/10, 8855/10 and WP.27434/10

1) W.P.No.2347 of 2010: Petition under Article 226 of the constitution of India for the issuance of a writ of declaration, declaring that the entire Land Acquisition Proceedings initiated by the respondents in Notification Under Section 4(1) of the Land Acquisition Act 1894 in G.O.Ms.No.36 (Housing and Urban Development) Department dated 19.2.1975 and Declaration Under Section 6 in G.O.Ms.No.595 (Housing and Urban Development) Department dated 21.3.1978 stands lapsed as the Award No.4/1988 dated 10.2.1988 was passed after the expiry of two years from the date of amendment Act came into force on 24.9.1984 by the Third respondent for an extent of 67 cents out of 4 acres 33 cents comprised in Old Survey No.232/1C New Survey No.232/1C5 Kottivakkam Village Tambaram Taluk Kancheepuram Dist.

2) W.P.4770 of 2010: Praying to issue a writ of declaration Declaring the entire proceedings of land Acquisition relating to the petitioner land including the Award No.4/1988 dated 10.2.1998 passed pursuant to the Notification of Section 4(1) of the Land Acquisition Act 1894 19.2.1975 and the declaration under Section 6 of the Land Acquisition Act 1894 dated 21.3.1978 and to the present action of forceful eviction of the petitioner on 06.02.2010 is ultra virus to Article 14 21 and 300 A of the Constitution of India and inconsistent with the provision and scheme of the Tamilnadu Housing Act and section 11 A and 48 of the Land Acquisition Act;

3)W.P.4993 of 2010, 5100/2010: Praying to issue a writ of Mandamus, forbearing the respondents from proceeding with the illegal and arbitrary Land Acquisition Proceedings in pursuant of the notification under Section 4(1) of the Land Acquisition Act 1894 in G.O.Ms.No.36 (Housing and Urban Development) Department dated 19.2.1975 and Declaration under Section 6 in

G.O.Ms.No.595 (Housing and Urban Development) Department dated 21.3.1978 stands lapsed as the Award No.4/1988 dated 10.2.1988 was passed after the expiry of two years from the date of amendment Act came into force on 24.09.1984 by the Third Respondent for an extent of 90 cents out of 4 acres 33 cents comprised in Old Survey No.232/1C New Survey No.232/1C4 Kotivakkam Village Tambaram Taluk Kancheepuram District

4) WP.No.8855 of 2010: Praying to issue a writ of Mandamus forbearing the respondents from initiating any action pursuant to Land Acquisition Proceedings in pursuant of the notification under Section 491) of the Land Acquisition Act 1894 in G.O.ms.No. 36 (Housing and Urban Development) Department dt 19.2.1975 and Declaration under Section 6 in G.O.ms.No. 595 (Housing and Urban Development) Department dt 21.3.1978 as the Land Acquisition Proceedings stood lapsed as the Award No. 4/1988 dt 10.2.1988 was passed after the expiry of two years from the date of Amendment Act came into force on 24.9.1984 in respect of an extent of 90 cents out of 4 acres 33 cents comprised in Old Survey No. 232/1C New Survey No. 232/1C4 Kotivakkam village Tambaram Taluk Kancheepuram..

5) WP.No.27434 of 2010: Praying to issue a writ of certiorarified Mandamus calling for the records in pursuant to the Letter No. 3766/LA2/(1)10-7 dt 25.10.2010 on the file of the 1st respondent and quash the same and issue consequential direction directing the respondents to withdraw the Acquisition proceedings an extent of 4 acres 33 cents comprised in Old Survey No. 232/1C New Survey No. 232/1C5 Kottivakkam village Tambaram Taluk Kancheepuram District initiated by the Respondents in Notification under Section 4 (1) of the Land Acquisition Act 1894 in G.O. Ms. No. 36 (Housing and Urban Development) Department dt 19.2.1975 and Declaration under section 6 in G.O.Ms.No.595 (Housing and Urban Development) Department dt 21.3.1978 as being lapsed;

For appellant Mr.R.Muthukumarasamy
Senior Counsel
for Mr.V.Chandrakanthan

For respondents... Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R.R.1 and 3.
Mr.V.Anandamurthy for R.2

C O M M O N J U D G M E N T

(Delivered by SATISH K. AGNIHOTRI,J.,)

Learned counsel appearing for the appellants seeks permission to withdraw the writ appeals and makes an endorsement to that effect, as under:

"The appellants may be permitted to withdraw the above writ appeals."

2. In view of the above, the writ appeals are dismissed as withdrawn. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Secretary
State of Tamil Nadu
Housing & Urban Development Department
Fort St. George
Chennai 600 009.
2. The Chairman
Tamil Nadu Housing Board
Anna Salai
Nandanam Chennai 600 035.
3. The Special Tahsildar (LA)
Division 5
Tamil Nadu Housing Board
Anna Salai Nandanam
Chennai 600 035.
4. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam, Chennai-35.

+ 6 ccs to Mr.V. Chandrakanthan, Advocate R.59029 to 59034
+ 1 cc to Mr.V. Anandhamurthy, Advocate Sr.58910

W.A. Nos.537, 1235 to 1239 of 2011

SCD(CO)

Eu 09.12.15