

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.14293 of 2015

G.Janagirama Naickar

.. Petitioner

Versus

1 The Secretary
Tamil Nadu Housing Board
Fort St. George
Chennai 9

2 The Director
Tamil Nadu Housing Board
No.403 Anna Salai
Nandanam Chennai 35

3 The Execute Engineer
Anna Nagar Division
Tamil Nadu Housing
Board Thirumangalam

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to consider the petitioners representation dt 15.3.2014 and consequentially direct the respondent to reconvey the unused land an extent 08 cents land in favour the petitioner and which land situated in Survey No.348 Padi Village Ambattur Taluk, Thiruvallur District.

For Petitioner : Mr.R.Chakkaravarthy

For Respondents: Mr.M.Dig Vijaya Pandian, (for R1)
Additional Government Pleader.
Mr.B.Vivekavanam (for R2 & R3)
Standing Counsel for TNHB

O R D E

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that the lands admeasuring to an extent of 08 Cents in Survey No.348 and 01 acre 14 cents of lands in Survey No.339 comprised in Padi Village, Ambattur Taluk, Thiruvallur District, were owned by him and the said lands along with other lands were acquired by Government of Tamilnadu for

formulating the neighbourhood scheme, floated by the Tamilnadu Housing Board. The land acquisition proceedings has reached the finality and Award No.1 of 1982 was also passed on 27.01.1982 and also received the compensation. The petitioner after waiting for 32 years has submitted representations to respondents 1 to 3 on 15.03.2014, praying for reconveyance of the lands on the grounds that it remained unutilised, by invoking Section 48-B of the Land Acquisition (Central) Act, 1980. Since the said representations have not been disposed of, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that since the acquired lands remain unused for so many years, the petitioner is entitled to reconveyance.

4. Per contra, the learned standing counsel appearing for respondents 2 and 3/Tamilnadu Housing Board would submit that all the acquired lands have been utilised fully and no lands remain vacant for the purpose of reconveyance.

5. This Court heard the submissions of Mr.Dig Vijayapandian, learned Additional Government Pleader, who accepts notice for the 1st respondent and has carefully considered the rival submission and also perused the materials placed before it.

6. It is an undisputed fact that after acquisition, Award No.1 of 1982, came to be passed as early as on 27.01.1982 and the petitioner has also received the compensation and after waiting for so many years, petitioner had submitted a representation on 15.03.2014, praying for reconveyance by invoking Section 48-B of the Land Acquisition (Central) Act, 1980. In the considered opinion of this Court, the claim made by the petitioner is not only stale but also hit by laches. It is also the submission of the learned standing counsel appearing for the Tamil Nadu Housing Board, that the acquired property is located at Mugappair Village, whereas, the petitioner would state that the said property is located at Padi Village and thus, there is a discrepancy. However, this Court is not inclined to go into the said factual aspect, for the reason, that the claim made by the petitioner is hit by delay and laches. Therefore, the writ petition is dismissed at the admission stage itself. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

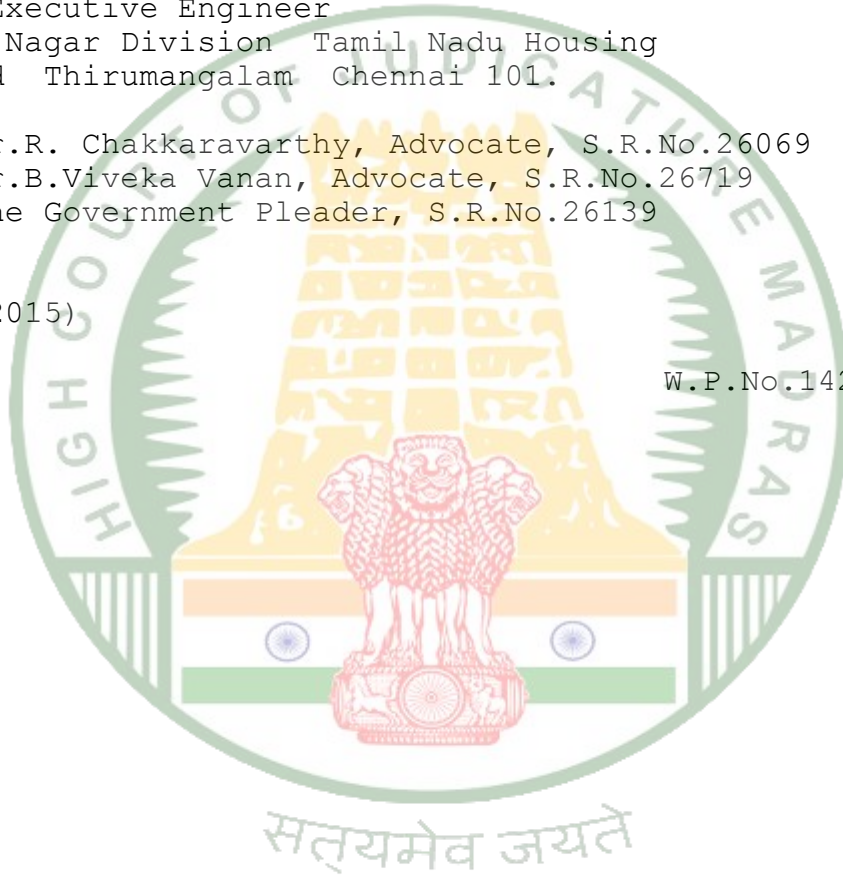
To

- 1 The Secretary
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- 2 The Director
Tamil Nadu Housing Board No.403 Anna Salai
Nandanam Chennai 35
- 3 The Executive Engineer
Anna Nagar Division Tamil Nadu Housing
Board Thirumangalam Chennai 101.

+1cc to Mr.R. Chakkaravarthy, Advocate, S.R.No.26069
+1cc to Mr.B.Viveka Vanan, Advocate, S.R.No.26719
+1cc to the Government Pleader, S.R.No.26139

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EU(16/06/2015)

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