

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.18148 of 2015

L.Malaiyappan

.. Petitioner

vs

1.The State

represented by its Secretary to
Government
Housing and Urban Development
Department
Fort St. George, Chennai 600 009

2.The District Collector

Collectorate, Kancheepuram
Kancheepuram District

3.The Managing Director

Tamil Nadu Housing Board
Nandanam, Chennai 600 035

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to release unutilized land bearing Plot No.24, measuring an extent of 1750 square feet comprised in Survey No.362/2B Part and 371/2 Part in Sholinganallur Village, Tambaram Taluk, Kancheepuram District, as per Section 24(2) of Right to Fair Compensation and Transparency Act in Land Acquisition, Recapitalization and Resettlement Act, 2013.

For Petitioner : Mr.G.Ranganathan

For Respondents : Mr.S.Pattabiraman
Government Advocate
for RR1 & 2

Mr.B.Vivekavanam for R3

ORDER

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

2.The petitioner claims that he is the absolute owner of a house site admeasuring to an extent of 1750 square feet in Plot No.24, comprised in Survey No.362/2B Part and 371/2 Part in Sholinganallur Village, Kancheepuram District, by virtue of a registered sale deed dated 16.2.1990, bearing Document No.697/1990, registered on the file of the Sub-Registrar, Adyar, Chennai.

3.The petitioner would further state that the said property is also an approved layout and he has purchased the land from Tamil Nadu Technical Education Department State Cooperative Society. It is stated by the petitioner that the first respondent has initiated land acquisition proceedings, which also reached finality, and in spite of the said fact, he continues to remain in possession, and therefore, submitted a representation dated 18.7.2014, to the respondents stating that in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the proceedings deemed to have lapsed, as possession has not been taken and since he has not been favoured with any response, came forward to file this writ petition.

4.The Court heard the submissions of Mr.S.Pattabiraman, learned Government Advocate, who accepted notice on behalf of the respondents 1 and 2, and Mr.B.Vivekavanam, learned Counsel, who accepted notice on behalf of the third respondent, also.

5.The learned Counsel appearing for the third respondent, on instructions, would submit that the land in question, has already been taken possession and approval of Chennai Metropolitan Development Authority is awaited for putting up construction and therefore, the petitioner is not at all entitled to any relief.

6.This Court, taking into consideration, the above facts and circumstances, and without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioner's representation dated 18.7.2014, in accordance with law, after putting on notice, the persons concerned, including the third respondent, within a period of 12 weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, the persons concerned and the third respondent. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

nsv
To:

1.The Secretary to Government
Housing and Urban Development
Department
Fort St. George, Chennai 600 009

2.The District Collector
Collectorate, Kancheepuram
Kancheepuram District

3.The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai 600 035

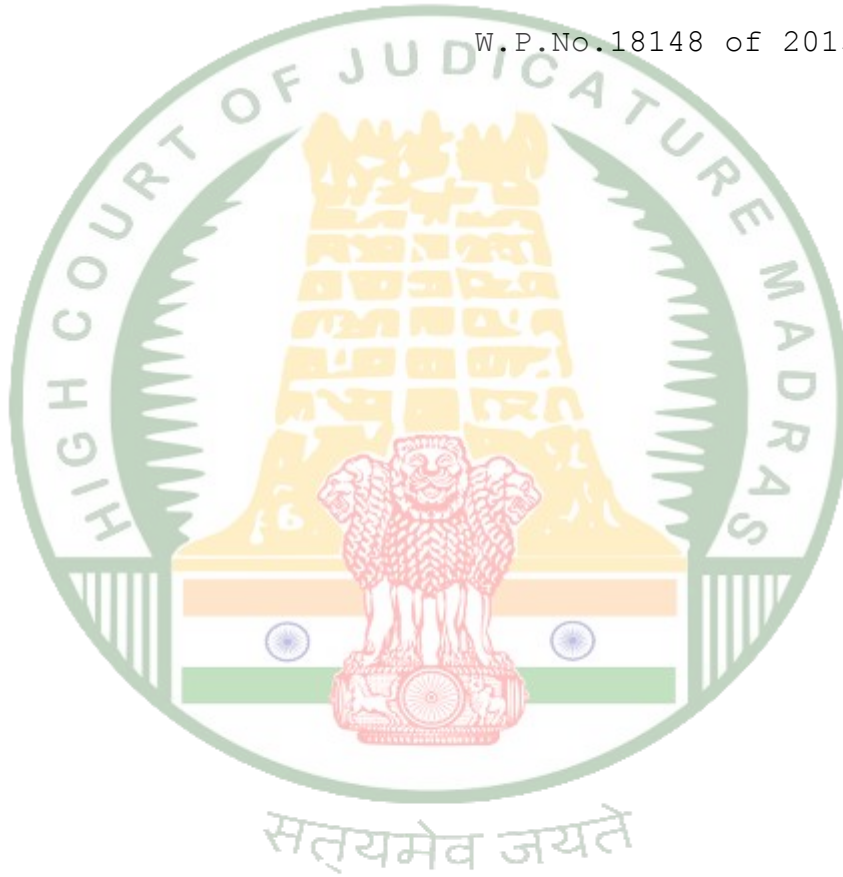
+1 cc to Mr.G.Ranganathan, Advocate,SR.30978

+1 cc to Mr.B.Vivekavanam, Advocate,SR.31478

+1 cc to Government Pleader,SR.31289.

Kk(co)
krd 7/7

W.P.No.18148 of 2015



WEB COPY