

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.08.2015

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The Honourable MR. JUSTICE N.KIRUBAKARAN

W.P.Nos.23569 to 23572 of 2015

P.Sasikala [Petitioner in W.P.Nos.23569/15,
Represented by her 23571 & 23572 of 2015]
Power of Attorney
M.Shanmugam

S.Shakthivel Shanmugam [Petitioner in W.P.No.23570/15]
Represented by his
Power of Attorney
M.Shanmugam

Vs

- 1 The State Government
represented by its
Secretary to Government
Housing and Urban Development
Department, Fort St. George
Chennai - 9
- 2 The District Collector
Collectorate Kanchipuram Kanachipuram Dt
- 3 The Tamil Nadu Housing Board
Rep by its Managing Director Nandanam
Chennai - 35

[Respondents in all WPs]

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Writ Petitions filed under Article 226 of the Constitution of India directing the Respondents to release unutilized land bearing Plot No.14 an extent of 2125 Sq. feet plot comprised in Survey No. 369/3 Part subsequently sub divided as per Patta No.6802, Plot No. VIII an extent of 1732 Sq. feet plot comprised in Survey No. 362/2A Part and 363 / 1A part, Plot No. VII an extent of 1740 Sq. feet plot comprised in Survey No. 363/1A Part subsequently sub divided as per Patta No.6842 and Plot No. 28 an extent of 1650 Sq. feet plot comprised in Survey No. 369/3 and 369/4B Part subsequently sub divided as per Patta No.6802 respectively in Sholinganallur Village Tambaram Taluk Kanchipuram District as per new Act Section 24(2) of Right to Fair Compensation Transparency Act in Land acquisition Rehabilitation and Resettlement Act in 2013.

For Petitioners: Mr.G.Ranganathan

For Respondents: Mr.V.Jayaprakash Narayanan, SGP (R1&2)

Mr.B.Vivekavanan (R3)

COMMON ORDER

Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr.B.Vivekavanan, learned counsel takes notice for the third respondent.

2. The subsequent purchasers, after the conclusion of the proceedings initiated under the Land Acquisition Act, have approached this Court seeking to issue a writ of mandamus directing the respondents to release unutilized land bearing Plot No.14 an extent of 2125 Sq. ft. plot comprised in Survey No. 369/3 Part subsequently sub divided as per Patta No.6802, Plot No. VIII an extent of 1732 Sq. ft. plot comprised in Survey No. 362/2A Part and 363 / 1A part, Plot No. VII an extent of 1740 Sq.ft. plot comprised in Survey No. 363/1A Part subsequently sub divided as per Patta No.6842 and Plot No. 28 an extent of 1650 Sq.ft. plot comprised in Survey No. 369/3 and 369/4B Part subsequently sub divided as per Patta No.6802 respectively in Sholinganallur Village, Tambaram Taluk, Kanchipuram District, as per Section 24 (2) of the Right to Fair Compensation Transparency Act in Land acquisition Rehabilitation and Resettlement Act in 2013.

4. Heard Mr.G.Ranganathan, learned counsel for the petitioners, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for R1 and R2 and Mr.B.Vivekavanan, learned counsel for R3.

5. It is an admitted fact that the petitioners are the subsequent purchasers. The acquisition proceedings were initiated as early as in 1990 and the acquisition proceedings were unsuccessfully challenged before this Court and attained finality before the Hon'ble Supreme Court. The compensation was also paid to the owners. When things stand so, now the petitioners having

purchased the properties in question subsequently on 22.09.2005, 28.09.2005, 31.10.2005 and 26.09.2005 respectively, have given representations on 07.08.2014 seeking to re-convey the properties in question stating that they are unutilized.

6. First of all, the petitioners have no locus-standi to file the writ petitions, since they are only the subsequent purchasers. Secondly, the land acquisition proceedings have already attained finality, possession was taken and compensation was also paid. Thirdly, there is no material produced before this Court to show that the properties in question are unutilized so as to invoke Section 24(2) of the Act. When the possession lies with the Tamil Nadu Housing Board for the public purpose, the present writ petitions have been filed only as a second thought to overcome the adverse orders passed in the writ petitions challenging the acquisition proceedings. The petitioners are not entitled for re-conveyance as prayed for. Hence, the writ petitions fail and the same are dismissed. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

- 1 The Secretary to Government
Housing and Urban Development
Department, Fort St. George
Chennai - 9
 - 2 The District Collector
Collectorate Kanchipuram Kanachipuram Dt
 - 3 The Managing Director
The Tamil Nadu Housing Board
Nandanam
Chennai - 35
- 1 cc to Mr. G.Ranganathan, Advocate Sr.No.39982
1 cc to Mr.B.Vivekavanam , Advocate Sr.No.40085
1 cc to Government Pleader.Sr.No.40386

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scd(co)
pmk.19.8.2015