

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.36159 of 2015

1.D.Munusamy

2.D.Paramasivam

.. Petitioners

Vs.

1 The State of Tamil Nadu

Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat, Chennai-9.

2 The District Collector,

Kanchipuram District, At Kanchipuram,

3 The Member Secretary,

Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maaligai Egmore,
Chennai-8,

4 The Special Tahsildar,

(Land Acquisition) Maraimalai Nagar Scheme,
Maraimalai Nagar, Chengalpet Taluk,
Kanchipuram District.

5 M/s.Sivananda Orphanage

Rep. by its Secretary Thiru.Rajaraman
Old No.20, New No.4, Kambar Street,
East Tambaram, Chennai-59.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents 1 to 4 to consider the petitioners representations dated 12.12.2011 and the reminder dated 16.9.2015 and thereby direct the respondents 1 to 4 to re-convey the petitioners land situated in No.3/6C at Ninnaikarai Village Chengalpet Taluk Kanchipuram District totally to an extent of 1.47 acres of land out of which 79 cents of land was acquired under the Land Acquisition proceedings in Award No.3/83 dt 4.4.1983 passed by the 4th respondent by receiving the compensation amount with nominal interest from the petitioner.

For Petitioners: Mr.M.V.Muralidaran
For Respondents: Mr.R.Rajeswaran,
Spl.GP [for R1,R2,R4]
Mr.K.Raja Srinivasan [for R3]

ORDER

Heard Mr.M.V.Muralidharan, learned counsel appearing for the petitioners and Mr.R.Rajeswaran, learned Special Government Pleader accepting notice on behalf of the respondents 1, 2 and 4 and Mr.K.Raja Srinivasan, learned counsel accepting notice on behalf of the 3rd respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2 The petitioner seeks for issuance of a writ of mandamus to direct the respondents 1 to 4 to consider the petitioners' representation dated 12.12.2011 and the reminder dated 16.09.2015 for re-conveyance of the petitioners' lands acquired under the Land Acquisition Act.

3 In the light of the recent decision of the Hon'ble Apex Court and of this Court, the petitioners have no vested rights to demand from the respondents that the property acquired from the petitioners should be re-conveyed. Hence, no writ of mandamus as sought for, can be issued.

4 Hence, while declining to grant the relief sought for in this writ petition, liberty is given to the petitioners to pursue their representation before the authorities concerned.

5 The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

- 1 The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat, Chennai-9.
- 2 The District Collector,
Kanchipuram District, At Kanchipuram,
- 3 The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maaligai Egmore,
Chennai-8,
- 4 The Special Tahsildar,
(Land Acquisition) Maraimalai Nagar Scheme,
Maraimalai Nagar, Chengalpet Taluk,
Kanchipuram District.

+1cc to Mr.K. Rajasrinivas, Advocate, S.R.No.61887
+1cc to Mr.M.V. Muralidaran, Advocate, S.R.No.61367
+1cc to the Government Pleader, S.R.No.61992

AR-II (CO)
EU (23/11/2015)

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