

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.39123 of 2015

P. Rathinam

[PETITIONER]

Vs

1 The Government of Tamil Nadu
Rep by the Secretary to Government
Housing and Urban Development Dept
Fort St. George, Chennai - 600 009.

2 The Executive Engineer /Chairman and
Administrative Officer
Tamil Nadu Housing Board
Salem Housing Unit, Salem.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the first respondent to re-convey the lands in extent of 38 cents in S.No. 204/1 15 cents in S.No. 207/2B 50 cents in S. No. 207/3 and 71 cents in S.No. 207/4 (Total 1.74 acres) Narasingapuram Village, Attur Taluk under section 48-B of the Land Acquisition Act.

For Petitioner : Mr.A.Sivaji
For Respondents : Mr.R.Vijayakumar-R1
Addl.Govt. Pleader
Mr.R.V.Babu - R2

O R D E R

Heard Mr.A.Sivaji, learned Counsel appearing for the petitioner, Mr. R.Vijayakumar, learned Additional Government Pleader appearing for the first respondent and Mr.R.V.Babu, learned counsel appearing for the second respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner whose land was acquired by the Government under the Neighborhood Housing Scheme, has filed this Writ Petition, seeking for re-conveyance of the land on the ground that the lands have not been utilised.

3.From the reply given under the Right to Information Act, by the Information Officer of the Tamil Nadu Housing Board dated 10.07.2014, it is seen that the Board has constructed seven houses in Survey No.204/1. However, in respect of Survey No.207/2B, 207/3 & 207/4, as on date they have not constructed any house. However, that communication does not say that they do not require the land.

4.The learned counsel for the petitioner submitted that the Notification issued under section 4(1) of the Act was issued in the year 1980 and subsequently, the Government vide Order dated 28.10.1986, has excluded certain lands which were also the subject matter of acquisition comprised in Survey Nos.119/2, 4,6,7, 131/10A1, 10A2. Further, it is seen from the reply given by the Tamil Nadu Housing Board under the Right to Information Act dated 28.04.2014, the Board accepts that those lands viz. Survey Nos.119/2, 4,6,7, 131/10A1, 10A2, have been excluded from the acquisition by the Government. ***The learned counsel, therefore, submitted that the representation made by the petitioner may be directed to be considered by the first respondent in a time bound manner**

5.*Para No.5. In the light of the above, the first respondent is directed to consider the petitioner's representation, dated 12.04.2014, followed by reminder, dated 05.07.2014, in the light of the Government Order, dated 28.10.1986, and after issuing notice to all concerned, shall pass appropriate orders on merit and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

15.12.2015

as ordered as per the orders
of this Hon'ble Court
dated: 05.02.2016 made
in WP 39123/15.

Sd/-

Assistant Registrar (CS III)

Dated: 09.02.2016

Sd/-

Assistant Registrar(CS III)

dt:9/02/2016

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary to Government,
Government of Tamil Nadu
Housing and Urban Development Dept
Fort St. George, Chennai - 600 009.
- 2 The Executive Engineer /Chairman and
Administrative Officer
Tamil Nadu Housing Board
Salem Housing Unit, Salem.

To be substituted
the order copy
already despatched
on 25.01.2016

+ 1 cc to Government Pleader SR 67601

+ 1 cc to Mr.A.Sivaji, Advocate SR 67383

pur(co)
prk6/1
kra 09.02.2016

W.P. No.39123 of 2015



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