

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.7091 of 2015

and

M.P.No.1 of 2015

1.K.Shanthi

2.Ramesh

..
Vs.

petitioners

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban
Development Department,
Fort St.George, Chennai - 600 009.

2.The Tamil Nadu Housing Board,
rep. by its Managing Director,
Nandhanam, Chennai - 600 035.

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus directing the respondents to reconvey the land comprised in Survey No.579, 581/2, 588 in Hosur Town, Krishnagiri District, measuring a total extent of 2.03.5 Hectares (1/4 share).

For petitioners

.. Mr.T.Arulraj

For Respondent No.1

.. Mr.R.Lakshminarayanan

Additional Government Pleader

For Respondent No.2

.. Mr.V.Anandhamurthy

ORDER

The petitioners contend that the property comprised in Survey Nos.579, 581/2, and 588 in Hosur Town, Krishnagiri District, measuring to an extent of 2.03.05 Hectares (1/4th share) was acquired by the first respondent by issuing a Notification under Section 4(1) of the Land Acquisition Act on 3.4.1991 for the purpose of housing scheme development by the Tamil Nadu Housing Board. The petitioners are also said to have received the compensation.

2. Now, the case of the petitioners is that acquired lands have not been put in use and such lands are kept vacant till date. Therefore, the petitioner gave a representation dated 12.12.2014

seeking reconveyance of the property. Since their representations were not considered, the petitioners have approached this Court by way of the Writ Petition.

3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader for first respondent as well as the learned standing counsel for the Tamil Nadu Housing Board.

4. The learned Standing Counsel for the Tamil Nadu Housing Board would submit that the second respondent took possession of the lands on 29.08.1994 and the scheme was also implemented in that area by plotting out residential plots and the layout also got approval from the DTCP vide Approval No.278/96. Roads and parks were handed over to the Local Body on 20.11.2004 and the same is being maintained by the Hosur Municipality. 8 No. of Flats and 7 No. of houses were also constructed and allotted to the public.

5. Subsequent to passing of award, award amount was deposited and possession was taken by the respondents on 29.08.1994 and the lands were utilised for housing scheme purpose for which they were acquired. Therefore, it is clear that the contention of the petitioners is untenable.

6. In the result, the Writ Petition fails and the same is dismissed. No costs. The connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

asvm

To

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

2. The Managing Director,
The Tamil Nadu Housing Board,
Nandhanam, Chennai - 600 035.

1 cc to Mr. C. Samivel, Advocate Sr. No. 45584

1 cc to Mr. V. Anandhamurthy, Advocate Sr. No. 45456

1 cc to Government Pleader. Sr. No. 45399

W.P. No. 7091 of 2015
and
M.P. No. 1 of 2015

lrs (co) pmk. 15.9.2015