

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.9872 of 2015

A.Kumaravel

.. Petitioner

Versus

1. The Chairman cum Managing Director,
Tamilnadu Housing Board,
No.331, Anna Salai,
Nandanam, Chennai - 600 035.
 2. The Assistant Secretary,
Land Acquisition,
Tamilnadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai - 600 035
- .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents herein to consider and pass orders in the petitioner's representation dated 24.10.2014 within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.B.Vivekavanam (for R1)
Mr.R.Govindasamy (for R2)
Additional Government Pleader.

O R D E R

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

2. The petitioner claims that he is the absolute owner of plot bearing Nos.34, 35 and 38 admeasuring 4640 sq.feet, out of the total extent of 2.26 acres in Thirumurugan Nagar situated at S.F.No.811/1, Kalapatti Village, Coimbatore District and purchased the same by means of a registered sale deed dated 22.10.1990 and registered as Document Nos.5949 and 5951 of 1990, respectively, on the file of the Sub Registrar, Gandhipuram. Petitioner would further state that the plots are also approved as lay outs by Director of Town and Country Planning vide his proceedings in Na.U.No.350/89.

3. The petitioner also claims that ever since the date of purchase, he is in absolute possession and enjoyment of the same and mutation also took place in the revenue records. Petitioner was making arrangements to put up a superstructure and came to know about the acquisition proceedings initiated under the Land Acquisition Act (Central Act), by the Government of Tamilnadu, vide 4(1) Notification dated 20.03.1991.

4. According to the petitioner, though, he is the registered owner of the property in question, he was not put on notice and he has also not received any compensation either from the Tamilnadu Housing Board or from the Government. The petitioner had also submitted a detailed representation dated 23.12.2014, praying for exemption from the land acquisition proceedings, so as to enable him to get 'No Objection Certificate' and put up superstructure and though, it was also acknowledged by the respondents, he has not been favoured with any response, hence, he has filed this writ petition.

5. Heard the submissions of Mr.Vivekavanam, learned standing counsel, who accepts notice for the 1st respondent and Mr.R.Govindasamy, learned Additional Government Pleader, who accepts notice for the 2nd respondent.

6. This Court, taking into consideration the averments and without going into the merits of the representation, directs the first respondent to consider and dispose of the petitioner's representation dated 24.10.2014 and subsequent letter dated 23.12.2014, on merits and in accordance with law, as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner.

7. The writ petition is disposed of, accordingly. No costs.

ars

सत्यमेव जयते

-s/d-

Assistant Registrar()

True Copy

Sub-Assistant Registrar

To

1. The Chairman cum Managing Director,
Tamilnadu Housing Board,
No.331, Anna Salai,
Nandanam, Chennai - 600 035.

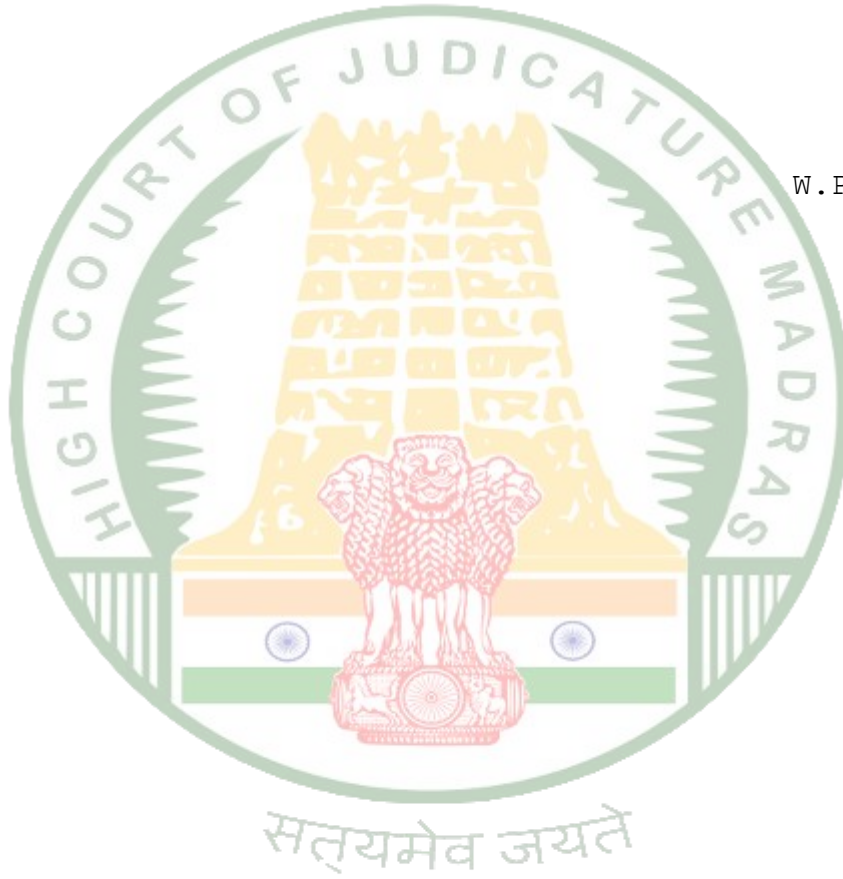
2. The Assistant Secretary,
Land Acquisition,
Tamilnadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai - 600 035

+ 1 cc to Mr.K.Govi Ganesan, Advocate SR 18968

+ 1 cc to Mr.B.Vivekavanam, Advocate SR 18831

ad(co)
prk16/4

W.P.No.9872 of 2015



WEB COPY