IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.37488 of 2003

1.C.Govindarajulu (deceased)
2.G.Thukkaram
3.G.Venkatasamy
4.G.Jeevarathinam
5.G.Gajapathy
6.Sasikala
7.Dillibabu ... Petitioners
(Petitioners 2 to 7 Substituted in the place of the deceased petition as per order dt.6.2.07 by VRSJ in MP.1895/2006.

Vs.

1.The Government of Tamil Nadu,
Rep. By its Secretary,
Revenue Department, Fort St. George,
Chennai - 600 009.

2.The District Collector,
Thiruvallore District,
Thiruvallore.

3.The Revenue Divisional Officer,
Saidapet, Chennai - 600 015.

4.The Tahsildar,
Urban Land Tax,
Aminjakarai, Chennai - 29.

5.M/s.India Pistons Limited,
Huzur Garden, Sembium,
Chennai - 600 011.

6.M/s.Simson General Finance Company Limited,
Mount Road, Chennai - 2. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to transfer the lands in the petitioner's name, which were acquired as per Government Gazette dated 26.01.1972 comprised in Survey Nos.1097/1 and 1097/2 and as per

Government Gazette dated 21.06.1972 comprised in Survey Nos.1098/1, 1098/2 and 1105 of Madhavaram Village, Moolakadai, Chennai-600 060, Saidapet Taluk, Chengalpet East District.

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|---|---|
| For Petitioner | :Ms.C.V.Subraja<br>for M/s.Sathish Parasaran |
| For R1 to R4 | :Mr.R.Govindasamy, AGP |
| For R5 & R6 | :Mr.Krishna Srinivasan,<br>for M/s.S.Rama Subramaniam Associates |

ORDER

The petitioners have filed the present writ petition seeking for issuance of a writ of mandamus to direct the respondents to transfer the lands in the petitioners' name, which were acquired as per the Government Gazette dated 26.01.1972, comprised in Survey Nos.1097/1 and 1097/2 and as per Government Gazette dated 21.06.1972, comprised in Survey Nos.1098/1, 1098/2 and 1105 of Madhavaram Village, Saidapet, Chennai.

2. It is the case of the learned counsel for the petitioners that the lands, comprised in R.S.No.1097/1, measuring to an extent of 4.48 acres and the lands in R.S.No.1097/2, measuring to an extent of 3.10 acres, were acquired by the Tamil Nadu Government for expansion of existing undertaking belonging to M/s.India Pistons Private Limited, Chennai / fifth respondent herein and the same was also notified in their gazette on 26.01.1972. The petitioners had also received compensation for such acquisition. Therefore, it is her contention that though the Government had acquired the above said lands for expansion of the fifth respondent Company, the said Company had not done anything with the lands so acquired even after 30 years from the date of acquisition. She has also pointed out that the principle behind the act was to take the lands from the owners and put the same for beneficial purposes of the society. But, the respondents have not complied with the said principle.

3. It is her further contention that, by a letter dated 31.03.1980, the respondents 5 and 6 have admitted that the lands so acquired were not put in use. Due to the said action of the respondents 5 and 6, the valuable right of the petitioners, from whom the said lands were acquired, have been deprived and there is no necessity for the said respondents to expand the establishment as the said respondents had themselves shifted to new areas. With these submissions, she prayed for allowing the writ petition.

4. Per contra, learned counsel appearing for the respondents 5 and 6 submitted that the present writ petition deserves to be dismissed, since the petitioners had not only received the compensation for the said land, but also entered in a compromise decree in C.R.O.P.No.124 of 1976, dated 17.07.1976. That apart, a similar issue had already been decided by the Hon'ble Apex Court in the case of C.Padma and others v. Dy. Secretary to the Government of Tamil Nadu and others ((1997) 2 SCC 627) by holding that once the acquisition having been vested with the State Government and compensation paid to the claimant, the land owners are not entitled to restitution of possession on the ground that either original public purpose had ceased to be in operation or the land could not be used for any other purpose.

4. Replying to the contention of the petitioner that the respondents 5 and 6 have not utilized the lands so acquired for about three decades, it is pointed by the learned counsel for the respondents 5 and 6 that the respondent Company had fully utilized the lands so acquired, after the same were handed over to them by the Government. It is further submitted that, pursuant to the acquisition, the petitioners had also received a compensation to the tune of Rs.1,65,924.70/- and thereafter, they had also purchased a new land to the extent of 16.05 cents in Survey No.1105 in part and 42 cents in S.No.1098 part. Thus, the petitioners are not put to any prejudice, as they have effectively made use of the said compensation received from the respondents.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. It is no doubt true that the above said facts and circumstances of the case have already been settled by the Hon'ble Apex Court in C.Padma's case (cited supra), wherein it is specifically held that once the lands so acquired stood vested with the State Government and compensation were paid to the claimant, the land owners are not entitled to restitution of possession on the ground that either original public purpose had ceased to be in operation or the land could not be used for any other purpose. In the case on hand, it is admitted that the petitioners had not only received a compensation for the lands so acquired from the respondents, but also entered into a compromise decree in C.R.O.P.No.124 of 1976, dated 17.07.1976. Subsequently, by receiving the said compensation, they have also purchased another land to the extent of 16.05 cents in Survey No.1105 part and 42 cents in S.No.1098 part. Besides, from the date of acquisition, four decades now gone-by and the said issue had already been decided by the Apex Court as stated supra, therefore, this Court, for the aforesaid reasons, finds no merit or substance in the writ petition.

Accordingly, the writ petition fails and the same is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar
Dated:20.3.15

True Copy

Sub Assistant Registrar

To

1.The Secretary,
The Government of Tamil Nadu,
Revenue Department, Fort St. George,
Chennai - 600 009.

2.The District Collector,
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Thiruvallore.

3.The Revenue Divisional Officer,
Saidapet, Chennai - 600 015.

4.The Tahsildar,
Urban Land Tax,
Aminjakarai, Chennai - 29.

+1 cc to M/s.S.Ramasubramanian, Advocate,SR.9035, 9036

+1 cc to M/s.Satish Parasaran, Advocate,SR.9559, 8947.

sr(co)
krd 26/3

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