

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4198 of 2014
and M.P.No.1 of 2014

1. P.P.MOHANAKRISHNAN (DECEASED) [PETITIONERS]
2. P.M.SUSILA
3. P.M.BASKAR
4. P.M.PRABHAKAR
5. P.M.NALINI
(P2 to P5 IMPEADED AS PER ORDER DATED 06.4.16
IN WMP.NO.9369/16)

Vs

1 THE STATE OF TAMIL NADU
REP. BY ITS COMMISSIONER AND SECRETARY
HOUSING AND URBAN DEPT. FORT ST. GEORGE
CEHNNAI 600 009.
2 THE DISTRICT COLLECTOR
OFFICE OF THE KANCHEEPURAM COLLECTORATE
KANCHIPURAM DISTRICT.
3 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
NO.1 GANDHI IRWIN ROAD EGMORE
CHENNAI 600 008. [RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of mandamus to direct the Respondents to reconvey the land to the petitioner measuring about 3200 Sq.Feet. in Kattahkolathur Village Survey No.336/1B Chengalpattu Taluk Kancheepuram District acquired by notification under Sec 4 (1) in the Tamil Nadu Official Gazette Dt.23.10.1974 as the same remains unutilized till date under section 48B of Land Acquisition Act.

For Petitioners : Mr.A.D.Janarthanan
For Respondent : Mr.R.Rajeswaran, SGP (R1&2)
Mr.Raja Srinivas (R3)

O R D E R

The petitioners are seeking a Writ of Mandamus, directing the respondents to deliver the lands measuring about 3200 Sq.Feet. in Kattahkolathur Village, Survey No.336/1B, Chengalpattu Taluk, Kancheepuram District, acquired by notification under Sec 4 (1) in the Tamil Nadu Official Gazette dated 23.10.1974 as the same remains unutilized till date under section 48-B of Land Acquisition Act.

2. The case of the petitioners is as follows:

Petitioner is the absolute owner of the lands to an extent 3200 Sq.Feet. situated in Kattahkolathur Village, Survey No.336/1B, Chengalpattu Taluk, Kancheepuram District. The said land was acquired for the purpose of new Satellite Town at Maraimalai Nagar. Award has also been passed in award No.1/80-81 dated 23.04.1980. But the case of petitioner is that the land acquired from the petitioner is still remaining unutilised. Therefore petitioner gave a representation for reconveyance of the land U/Sec.48 B of the Land Acquisition Act. But no orders passed yet. Hence, he has filed the above writ petition for the aforesaid relief.

3. By order dated 02.04.2014, the writ petition was admitted and notice was ordered by this Court and Mr.R.Rajeswaran, learned Special Govt. Pleader has entered appearance on behalf of respondents 1 and 2 and Mr.K.Raja Srinivas has entered appearance for the 3rd respondent.

4. I have heard the learned counsel on either side and have also gone through the documents available on record.

5. This Court in similar circumstances in W.P.No.2067 of 2009 by order dated 16.06.2009, has passed the following order:-

"4 . Under these circumstances of the case ends of justice would be met by giving directions to the 1st respondent to consider the representation made by the petitioner, dated 13.08.2008 for reconveyance of the acquired lands and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5.Learned counsel for the petitioner is also permitted to enclose a copy of the representation dated 13.08.2008 along with a copy of this order and forward the same to the 1st respondent".

6. Following the same, since in the case on hand also, the petitioner's representations have not yet been considered till date, there will be a direction to the 1st respondent to dispose of the representations of the petitioner dated 21.12.2009 and 24.12.2009 in this regard, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Learned counsel for the petitioners is also permitted to enclose a copy of the said representations along with a copy of this order and forward the same to the 1st respondent.

The writ petition is disposed of accordingly. No costs.
Connected miscellaneous petition is closed.
rg

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

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CHENNAI 600 008.

+ 1 cc to M/s.A.D.Janarthanan, Advocate, SR 21970

+ 1 cc to Govt.Pleader, High Court, Madras SR 22481

sai(co)
prk25/4

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