

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 21-03-2016

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.25584 OF 2015

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Petitioner

-vs-

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

2.The Managing Director,
Tamilnadu Housing Board,
Nandanam,
Chennai-600 035.

3.The Land Acquisition Officer/
Special Tahsildar,
Housing Scheme,
Cuddalore,
Cuddalore Disttict.

4.The Executive Engineer,
Villupuram Housing Unit,
Tamil Nadu Housing Board,
Power House Road,
Villupuram.

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Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records relating to the impugned award passed by the third respondent, dated 30.06.1995, made in Award No.12 of 1995, in so far as the petitioner herein is concerned in respect of the property comprised in Survey No.46/1, situated at Salamedu Village, Villupuram, to an extent of 2,400 sq.ft., within the limits of Koliyanur Panchayat Union, and quash the same as lapsed in view of Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For petitioner : Mr.C.Prabakaran
For respondents 1 & 3: Mr.R.M.Muthukumar,
Govt.Advocate.
For respondents 2&4 : Mr.R.V.Babu

O R D E R

Petitioner seeks for issuance of a writ of certiorari to quash the award passed by the third respondent, dated 30.06.1995, made in Award No.12 of 1995, in so far as the petitioner is concerned in respect of the property comprised in Survey No.46/1, situated at Salamedu Village, Villupuram, to an extent of 2,400 sq.ft., within the limits of Koliyanur Panchayat Union, on the ground that it has lapsed in terms of Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), in short, "the Act".

2. Petitioner has raised two grounds in the writ petition : firstly, she has not been dispossessed and continues to be in possession of the lands in question, and, in terms of Section 24 (2) of the Act, the acquisition proceedings have lapsed; and, secondly, she had no notice of the proceedings initiated about the land acquisition and come to know of it only when she filed a suit against the Housing Board in O.S.No.186 of 2013 on the file of Principal District Munsif Court, Villupuram.

3. So far as the first ground is concerned, from the counter affidavit filed by the Housing Board, it is clear that the lands have been fully utilised and developed in the Salamedu Village Development Housing Scheme, Phase-I, to an extent of 20.45.72 hectares, including the land of the petitioner. The acquisition proceedings had been completed between 1996 and 1997 and the lands were transferred by the Revenue Department to the Housing Board during the year 1997 and patta has been granted in favour of the Board on 20.03.1997. Further, the total extent of lands, which were acquired, were developed into 638 residential plots and layout has been approved vide DTCP.No.338/1998. The petitioner's land in the said layout was developed and allotted to one Tmt.Sutha Selvakumar on 31.10.2007; the plot has been handed over to the allottee on 23.06.2008 itself; the said allottee has paid the land cost to the Housing Board and the sale deed is in the process of being issued. It is further stated in the counter affidavit that 03.03 acres and 4.62 acres of land have been utilised for the area development scheme of 50+49 residential plots vide approved layout L.P.No.3/2013 and L.P.No.4/2013. Thus, it is evident that possession does not remain with the petitioner and has been taken over long back and the present attempt of the petitioner is to resurrect a stale issue. Therefore, the first ground raised by the petitioner has

to necessarily fail.

4. The second contention raised by the petitioner that no notice has been served on her in the acquisition proceedings and she came to know of the proceedings only when she has filed a suit against the Board is a plea which is absolutely farfetched. The petitioner has not challenged the land acquisition proceedings at any earlier point of time and, at this belated stage, the present plea is untenable and cannot be considered. Hence, on the grounds raised by the petitioner, the impugned acquisition proceedings cannot be quashed.

5. Accordingly, the Writ Petition fails and is dismissed. No costs. Consequently, the connected M.P.Nos.1 and 2 of 2015 are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government,
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Villupuram Housing Unit,
Tamil Nadu Housing Board,
Power House Road
Villupuram.

+1 cc to Mr.C.Prabakaran Advocate sr.18199
+1 cc to Mr.S.Vanchinathan Advocate sr.18036
+1 cc to Government Pleader sr.18095

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