

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.A. Nos.42 to 45 of 2009

The Tamil Nadu Housing Board,
Rep. By its Chairman,
Nandanam, Chennai-35.

.. Appellant in all WAs.

-VS-

1.T.Narayanan

.. 1st Respondent in WAs.42
and 45 of 2009

1.Pachaiammal

.. Respondent in WA.43/2009

1.G.Chandrasekaran

.. Respondent in WA.44/2009

2.The Commissioner
Pallavaram Municipality,
Valasaravakkam,
Chennai-87.

.. 2nd Respondent in all WAs.

Appeal filed under Clause 15 of the Letters Patent against the orders dated 24.03.2008 passed in W.P.Nos.28020 to 28023 of 2007 on the file of this Court.

For Appellant : Mr.V.Anandamoorthy

For Respondents : Mr.K.Rajasekaran for R-1
: Mr.R.Vijayakumar,
Addl.G.P. for R-2

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J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The first respondent filed writ petitions before the learned Single Judge alleging that the endeavour of the Housing Board to acquire the lands in question owned by the first respondent stood nullified by the order passed in W.P.No.23481 of 1999 and connected matters as per order dated 11.06.1999. Reliance was also placed on similar order passed in W.P.No.28395 of 2007. The impugned order in the writ petitions dated 24.03.2008 records the aforesaid and thus, allowed the petitions.

2.In the appeals, it is stated that firstly the order quashing the acquisition of land was in respect of the prayers made by the petitioners therein seeking quashing of the acquisition proceedings "insofar as the petitioner's land are concerned". Thus, the proceedings pertain only to those petitioners.

3.Secondly, it is pointed out that the lands owned by the first respondent herein do not fall in the lands in respect of which acquisition proceedings have been quashed. But, on the other hand,

the acquisition proceedings were concluded, award passed and a reference has been made in respect of enhancement of compensation. Attention has been invited by the learned counsel for the appellant to the Survey numbers in the award and the names of the first respondent appearing against them. These survey numbers are 325/6, 325/7, 325/8 and 325/9. It is stated that after the acquisition proceedings, 325/7 and 325/9 were further sub-divided and they pertain to 325/7B and 325/9B so far as it relates to first respondent in W.A.No.45 of 2009 is concerned and 325/9A so far as it relates to first respondent in W.A.No.44 of 2009 is concerned.

4. We find force in the contention of the learned counsel for the appellant on both accounts. The impugned order is predicated on a factual premise as if the acquisition proceedings in respect of the lands of the first respondent in these appeals stands quashed, while it is not so as per the reading of the survey numbers in respect of which acquisition proceedings have been quashed and that too pertaining to the lands of the petitioners therein. This would be logically so. Further, the award made in respect of the lands of the first respondents herein is quite clear and the issue pending is of enhancement of compensation.

5.The impugned orders, thus, appear to have been passed on a wrong factual premise which cannot be sustained in view of what has been urged before us.

6.The impugned orders dated 24.03.2008 are set aside and the writ petitions are dismissed. The writ appeals are allowed, leaving the parties to bear their own costs.

(S.K.K., CJ.) (R.M.D., J.)
17.08.2016

Index : Yes/No
Website : Yes/No

sra

To

1.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai-35.

2.The Commissioner
Pallavaram Municipality,
Valasaravakkam,
Chennai-87.

The Hon'ble Chief Justice
and
R.Mahadevan, J.

(sra)

W.A.Nos.42 to 45 of 2009

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