

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.39626 of 2015

Krishnakumar

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep by Secretary to Govt
Housing and Urban Development Dept,
Fort.St.George, Chennai-9

2.The Special Tahsildar
(Land Acquisition)
Housing Scheme No.II
Coimbatore

3.The Executive Engineer and Administrative Officer
Tamilnadu Housing Board, Coimbatore
Housing Unit, Tatabad,
Coimbatore-12

R3 impleaded as per order
dated 27.01.2016

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to reconvey the property situated in S.No.294/2 of Kalapatti village, Coimbatore taluk notified under G.O.No.302 dated 02.07.1996, as the same is not utilized for the purpose for which it was acquired by TNHB since 1996.

For Petitioner : Dr.R.Sampath Kumar
For Respondents : Mr.R.Rajeswaran,
Spl.G.P for R1 and 2

Mr.B.Vivekavanam for R3

O R D E R

Heard Dr.R.Sampath Kumar, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, Spl.G.P. for the respondents 1 and 2 and the learned counsel for the 3rd respondent.

2. Petitioner has filed this petition seeking issuance of writ of mandamus to direct the respondents to reconvey the land comprised in S.No.294/2 of Kalapatti village, Coimbatore Taluk which was notified for acquisition by the Government in G.O.Ms.No.302 dated 02.07.1996, whereby the Government acquired the said lands for the project of the Tamilnadu State Housing Board.

3. It is not in dispute that the said Government Order as well as other Government Orders pertaining to the same project were subject matter of challenge before this Court in W.P.No.11438 of 1996 as well as in W.P.No.16417 of 1998. Both the writ petitions were allowed by orders dated 08.08.2003 and 30.08.2010 respectively. The Court took into consideration that in many cases relating to Kalapatti village there were approved layouts with the sanction of the authorities and the Government order itself directed to refrain from acquiring lands which are covered by approved layouts. Further the Court also took into consideration that there has been discrimination as the Government themselves re-conveyed several pockets of lands in the said scheme whereby making the entire scheme as unviable.

4. In the light of the above, the relief sought for by the petitioner is squarely covered by both the decisions referred so, accordingly, the writ petition is allowed. The respondents are directed to re-convey the property to the petitioner within a period of three months from the date of receipt of a copy of this order. No costs.

kpr

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Govt
Housing and Urban Development Dept,
Fort.St.George, Chennai-9.

2.The Special Tahsildar
(Land Acquisition)
Housing Scheme No.II
Coimbatore.

3.The Executive Engineer and Administrative Officer
Tamilnadu Housing Board, Coimbatore
Housing Unit, Tatabad,
Coimbatore-12.

+ 1 cc to Mr.B.Vivekavanam, Advocate Sr 16210

+ 1 cc to The Govt.Pleader, Sr 16342

+ 2 ccs to Mr.M.Muthukrishnan, Advocate Sr 16132

KR/22/3/16

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