

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.32922 of 2012

1.S.Palanisamy
2.S.Chinnasamy
3.S.Devaraj
4.Tmt.Savithri
5.Arun Karthik
6.Vasanth Karthik

.. Petitioners

Vs.

1. THE GOVT. OF TAMILNADU
REP. BY ITS SECRETARY,
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FORT ST. GEORGE , CHENNAI-9
2. THE CHAIRMAN AND MANAGING DIRECTOR
TAMILNADU HOUSING BOARD, NANDANAM,
CHENNAI-35
3. THE SPECIAL TAHSILDAR (LAND ACQUISITION),
HOUSING SCHEME NO.II, COIMBATORE-18.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records culminating into the impugned order letter No.3260/LA3 (2)/2012-7, dated 31.8.2012 passed by the 1st respondent and to quash the same as illegal and consequently direct the respondents to reconvey the land in Survey Nos.963/1 and 963/2 in Kalapatti Village, Coimbatore District measuring an extent of 2.88.5 hectare in favour of the petitioners under section 48(B) of the Tamilnadu Land Acquisition Act.

For Petitioner

.. Mr.Dr.P..Vasudevan
for Mr.V.Chinnasamy

For Respondents 1 & 3 .. Mr.R.Rajeswaran, SPL. G.P.

For Respondent - 2 .. Mr.P.Vivekanandan

ORDER

Petitioners, who are six in numbers, claiming to be the legal heirs of the Subbanna Gounder, challenge the order passed by the respondent/Government rejecting their request for re-conveyance and consequential relief is sought for to re-convey the land comprised in S.No. 963/1 and 963/2 in Kalapatti Village, Coimbatore District, measuring an extent of 2.88.5 hectares.

2. In the impugned order, the Government has rejected the petitioners request on the ground that the land is absolutely essential for formation of the Kalapatty Neighborhood Scheme. Learned Standing counsel appearing for the second respondent opposes the writ petition and pointed out that the petitioners have approached this Court with unclean hands as during the pendency of the request for re-conveyance, the petitioners through their power agent, have sold certain extent of land and also produced the copies of sale deed dated 22.03.2012 & 27.09.2012, registered as Document Nos. 2765/12 and 6995/12, respectively. This shows that the property has been sold when it still remained with the Housing Board.

3. Faced with this situation, learned counsel for the petitioners submitted that the petitioners may be permitted to pursue the matter only to the extent of land which was retained by them. However, it is seen that the petitioners have executed a power of attorney in favour of one G.A.Kumar and G.Vasudevan and this fact has also not been mentioned in the writ petition establishing that these petitioners are guilty of suppression of facts.

4. Writ petitions have been filed on 06.12.2013, when the sales were effected much prior to the date. Faced with the situation, learned counsel for the petitioners submitted that the petitioners, in their individual capacity, may be granted liberty to pursue the matter before the Government in so far as the extent of land retained by them as on date.

5. In the light of the above submissions, this writ petition is disposed of, while upholding the order dated 31.08.2012 passed by the first respondent. It is left open to the petitioners to submit a fresh representation to the first

respondent for re-conveyance in respect of the extent of land which is said to be retained by them.

sd/-
Assistant Registrar (Cs-VII)

/TRUE COPY/

Sub-Assistant Registrar

smi

To,

1. The Secretary to Govt,
Govt. Of TamilNadu,
Dept of Housing and Urban Development,
Fort.St.George, Chennai-09.

2.The Chairman and Managing Director,
TamilNadu Housing Board, Nandanam,
Chennai - 35.

3.The Special Tahsildar(Land Acquisition),
Housing Scheme No.II,
Coimbatore - 18

+1 CC to MR.V.Chinnasamy Advocate. SR.NO. 6969
+1 CC to MR.P.Vivekanandan Advocate. SR.NO. 7375
+1 CC to Govt.Pleader. SR.NO. 7224

W.P.No.32922 of 2012

CO-AK
JD 16/02/2016

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