

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.A.No.66 of 2016

Donald Fernandas

.. Appellant

Vs.

1.State of Tamil Nadu,
represented by its Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai-600 035.

..Respondents

Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court dated 11.08.2015 passed in W.P.No.29767 of 2010.

Writ petition filed under Article 226 of the constitution of India for issuance of a writ of certiorari mandamus calling for the records of the 1st respondent dt 8.4.2010 made in letter No. (I.D.) No.188 and quash the same and consequently reconvey the land to the petitioner comprised in Survey Nos. 293/1 and 293/2 at Village No.155 Sholinganallur Village upon refund of compensation deposited to the credit of the petitioners lands under the acquisition proceedings.

For appellant : Mr.G.S.Shivekumar

For Respondents: Mrs.A.Srijayanthi, Spl.G.P. for R-1

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant appeal arises from the order dated 11th August, 2015 passed in W.P.No.29767 of 2010.

2 The appellant / writ petitioner filed the writ petition, calling in question the correctness of the order of the first

respondent, dated 8th April, 2010, whereunder a request to reconvey the lands bearing Survey Nos.293/1 and 293/2 at Village No.155 Sholinganallur Village on refund of compensation was rejected.

3 The learned Single Judge recorded the factual matrix that the land in question was acquired under Award dated 18th June, 1993 and thereafter, having taken possession, the said land was handed over to the Housing Board on 18th April, 1994 and compensation to the tune of Rs.1,37,023.50 was also deposited with the Civil Court in accordance with law. The appellant herein filed a writ petition, being W.P.No.644 of 1995, seeking the relief of reconveyance, which was dismissed on 24th November, 1999 with a direction to consider the representation of the petitioner. The representation was rejected on 5th February, 2004.

4 Thereagainst, one more writ petition, being W.P.No.9120 of 2004, was filed. The said writ petition was disposed of with a direction to consider the petitioner's representation dated 31st May, 2003. The said representation was again rejected on 24th August, 2004. The rejection was assailed in W.P.No.28849 of 2004 by the present appellant in respect of the same land in question. The writ petition was dismissed by order dated 10th September, 2005, observing that if the housing board in future decides to sell the land, the statutory requirement of Section 72 of the Tamil Nadu Housing Board Act may be followed. A writ appeal preferred against the said order was dismissed, upholding the dismissal of the writ petition, whereunder the issue of reconveyance of the land in question was involved. Thus, the order has attained finality. The petitioner again made an attempt to reopen the issue by filing review application, which was disposed of. However, a liberty was granted to make one more representation with a direction to consider the same.

5 In the case on hand, indisputably, the petitioner has taken up several rounds by filing writ petitions. All writ petitions were dismissed in view of the fact that acquisition was complete by Award dated 18th June, 1993. The possession was, thereafter, handed over to the authorities and also compensation in lieu thereof was paid. Thus, after a lapse of 25 years when the land in question had been divided into 28 plots and the same had been approved by the CMDA, the appellant / writ petitioner is not entitled to any relief, at this stage. Thus, the writ petition was rightly rejected. We do not find any infirmity, irregularity or illegality in the order sought to be impugned in this writ appeal.

6 Resultantly, the writ appeal stands dismissed. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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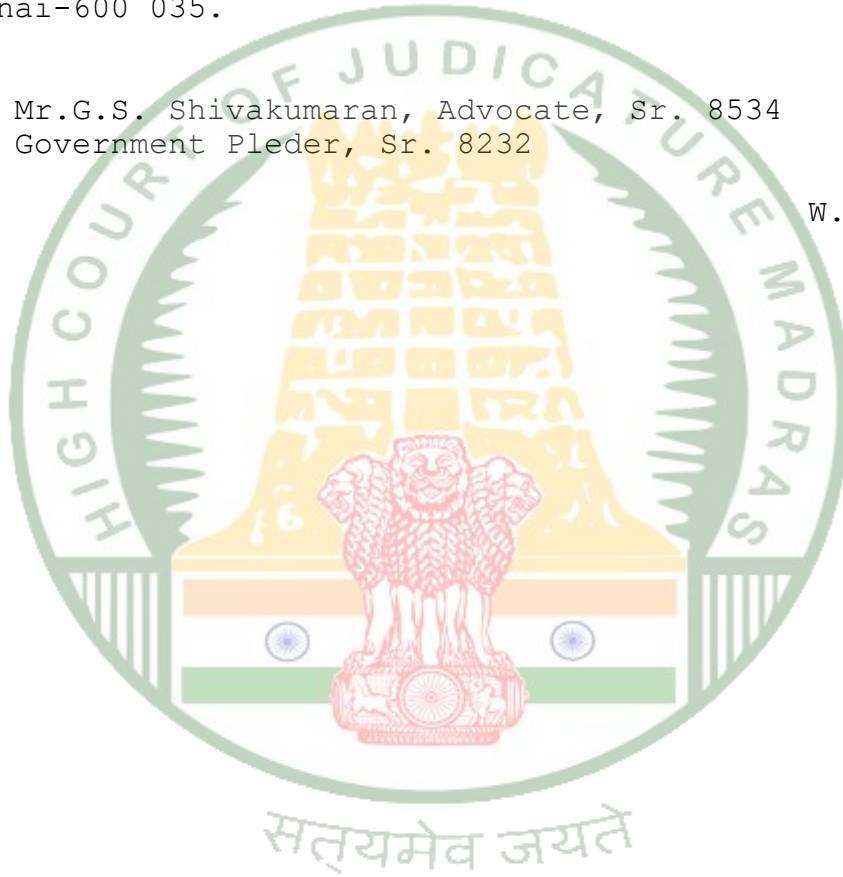
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1 cc to Mr.G.S. Shivakumaran, Advocate, Sr. 8534
1 cc to Government Pleder, Sr. 8232

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