

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3307 of 2016

& WMP.No.2709 of 2016

K.Dharaniperumal

.. Petitioner

Vs.

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai 600 009
2. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai 600 035.
3. The Executive Engineer,
Administrative Officer,
Salem Housing Unit,
Salem - 8.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents herein to reconvey the petitioner's land situated in S.Nos.203/2, 203/3, 203/4 and 203/6, Narasingapuram Village, Attur Taluk, Salem District, since the petitioner is entitled to get back the said land as per under Section 24(2) of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) since the entire acquisition proceedings become lapsed.

For Petitioner .. Mr.C.Prakasam

For Respondent-1 ..Mr.R.Lakshmi Narayanan,
Additional Government Pleader

For Respondents 2 & 3 .. Mr. R.V.Babu

ORDER

Heard the learned counsel for the petitioner and Mr. R.Lakshmi Narayanan, learned Additional Government Pleader accepts notice for the first respondent and Mr.R.V.Babu, learned counsel accepting notice on behalf of the respondents 2 & 3 and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Stating that the Land Acquisition proceedings initiated against the petitioner, is lapsed in terms of Section 24(2) of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) hereinafter referred as 'Act', the petitioner has come forward with the present writ petition.

3. Heard the submissions of the learned counsel for the petitioner made in support of the writ petition.

4. It is seen that the possession of the lands have been taken and the amount of compensation has been deposited. This Court is constrained to make such an observation because earlier the petitioner thought it fit to file a writ petition before this Court in W.P.No.28969 of 2012 challenging the action of the Housing Board in selling the plots on the ground that they have not obtained approval from the Town and Country Planning Authority. However, it appears that pursuant to the acquisition proceedings, possession has been taken. From this it is clear that the petitioner was convinced that the land had vested with the Housing Board. Further more, the petitioner has admitted that the compensation amount has been deposited before the Civil Court to the credit of O.S.No.30 of 2011 on the file of the District Munsif Court, Attur which was filed against S.Murugesan and S.Kumaravel, praying for a decree not to restrain the Land Acquisition Officer and the Housing Board, the defendants 3 and 4 from disbursing the remaining compensation to the defendants 1 and 2 and to prevent the defendants 3 and 4 from constructing the houses or making any developments under the neighbourhood scheme and these facts would clearly show that Section 24(2) of the Act, does not stand attracted to the case of the petitioner.

5. Learned counsel for the petitioner in the course of argument submitted that the adjoining plots have been reconveyed and in this regard reliance has been placed on the decision of the Division Bench of this Court in Tamil Nadu Housing Board vs. Uma Maheswari Ramasamy and others reported in 2011 (5) CTC 503.

6. As noticed above, the prayer sought for by the petitioner is to declare the Land Acquisition Proceedings as having been lapsed in terms of Section 24(2) of the Act, and the question of

re-conveyance does not arise and therefore, the decision in the case of Tamil Nadu Housing Board vs. Uma Maheswari Ramasamy and others does not render any support to the case of the petitioner. For all the above reasons, no ground is made for issuance of the writ of mandamus as sought for by the petitioner and hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To,

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam, Chennai 600 035
3. The Executive Engineer,
Administrative Officer,
Salem Housing Unit, Salem - 8.

- 1 cc to M/s.C. Prakasam, Advocate, Sr. 6182
1 cc to M/s. R.V. Babu, SR. 5677
1 cc to Government Pleader, r. 6116

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