

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.1062 of 2014

1.Ponnudurai
2.Ethiraj
3.Lakshmi

... Appellants

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development,
Fort St.George, Chennai - 600 009.

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

3.The District Collector,
Cuddalore District.

4.The Executive Engineer and Administrative Officer,
Villupuram Housing Unit,
Tamil Nadu Housing Board,
Villupuram - 605 602.

... Respondents

Prayer:

Writ appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 27.01.2014 passed in W.P.No.9479 of 2008 by this Court.

WP.NO.9479/08:

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records relating to the letter of the Respondent dated 06.02.2008 under reference No. 18356/Ne. e2(1)/07-6 sent to the petitioner rejecting her request to re-convey the 3.73 acres of lands comprised in Survey Nos. 21/1, 21/2, 21/3 and 21/4 in Velisemmandalam village Cuddalore Tamil Nadu and to quash the sme as illegal arbitrary and ultra vires and also to

direct the Respondent to re-convey the said lands to the petitioner under Section 48-B of the Land Acquisition Act 1894, and pass such further orders.

For Appellants : Mr.Ashok Menon
For Respondents: Mr.V.Anandhamurthy
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The learned counsel for the appellant made an endorsement indicating that he is withdrawing the appeal with liberty to file a writ petition invoking Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

2.In view of the endorsement made by the learned counsel for the appellant, the intra court appeal is dismissed as withdrawn with liberty. However, we make it clear that the term "liberty" should not be construed to be an expression of opinion on the merits of the matter. In case, the writ petition is filed invoking Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the same will be decided by the learned Single Judge, on merits and in accordance with law. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development,
Fort St.George, Chennai - 600 009.

2.The Chairman and Managing Director,
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3.The District Collector,
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Villupuram Housing Unit,
Tamil Nadu Housing Board,
Villupuram - 605 602.

+ 1 cc to Mr.V.Anandhamurthy, Advocate,SR.78756

+ 2 cc to Mr.Ashok Menon, Advocate,SR.78732

W.A.No.1062 of 2014

AD(CO)
NR 04/12/2017



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