

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.8283 of 2017

Vimala

Represented by her Power of Attorney Agent,
M/s.Tablets (I) Ltd.,
Represented by its Director,
656, T.H.Road,Chennai-600 081.

... Petitioner

Vs

1. State of Tamil Nadu,
Represented by Collector of Chennai,
Chennai.

2. Chennai Metropolitan Water Supply
and Sewerage Board,
Represented by its Managing Director,
1, Pumping Station Road,
Chennai-600 002.

3. Special Deputy Collector,
Land and Acquisition Work,
Chennai City,
Chennai-600 001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to comply with the common order dated 20.07.2005 passed by this Court in W.P.No.24 of 1994.

For Petitioner : Mr.Najeeb Usman Khan

For Respondents : Mr.A.Zakir Hussain
Government Advocate

O R D E R

The writ petition is essentially filed to give effect to an order of this Court passed in a batch of writ petitions involved in W.P.Nos.22407 and 22779 of 1993 and W.P.Nos.24 to 27 of 1994 dated 20.07.2005. In the said Order, the petitioner figures as 1st petitioner. The controversy involved in this case is that the

petitioner's property has been earlier acquired for which the compensation amount has been paid. The possession however was not taken, and the petitioner moved the authority for re-conveyance under Section 48B of Land Acquisition Act, 1894. In the earlier petition, the respondents agreed to reconvey the excess land acquired from the petitioner under Award No. 9/78 and the controversy that arose was the date with reference to which the cost of the land has to be fixed to enable reconveyance. In its order dated 20.07.2005, this Court has directed the Authorities to fix the value of the lands at the market price that was prevailing as in February, 1987. This Order has not been complied with by the respondents without any tenable explanation justifying the inaction for 12 years. This has forced the petitioner to come forward with the present writ petition.

2. The only submission of the learned counsel for the petitioner is to direct the authority to fix the price of the land as directed by this Court in its order in the batch of writ petitions in W.P.Nos.22407 and 22779 of 1993 and W.P.Nos.24 to 27 of 1994 dated 20.07.2005. Today, the 1st respondent has filed its counter and also indicated the price payable.

3. Since the possession of the property is with the petitioner, the petitioner has not suffered any loss. In view of the fact that the direction of this Court has been complied with as indicated in paragraph No.5 of the counter affidavit, nothing survives in this petition. The entire process of re conveyance is directed to be concluded subject to objection if any, of the petitioner to the value of the property as has been fixed to enable re-conveyance, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssn

To:

1. The District Collector,
Chennai.

2. The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
1, Pumping Station Road,
Chennai-600 002.

3. Special Deputy Collector,
Land and Acquisition Work,
Chennai City,
Chennai-600 001.

+1cc to Mr.P.George Advocate, S.R.No.92385
+1cc to the Government Pleader, S.R.No.92533

W.P.No.8283 of 2017

RRK(14/02/2018)



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