

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.6468/2017

K.Palanisamy

.. Petitioner

Versus

1.The Tahsildar
Namakkal Taluk
Namakkal.

2.The Executive Engineer-cum-
Administrative Officer
Tamil Nadu Housing Board, Salem
Block, Aiyyan Thirumaligai
Salem-6.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents herein to consider the representation of the petitioner dated 30.01.2017 and pass orders on the same within a time frame as may be fixed by this Court.

	M/S.R. Karthikeyan
For Petitioner :	Mr.R.Bharanidharan
For R1 :	Mr.Era.Premnath, GA
For R2 :	Mr.V.Anandamoorthy

ORDER

By consent, the writ petition is taken up for final disposal. Mr.Era.Premnath, learned Government Advocate accepts notice on behalf of the 1st respondent and Mr.V.Anandamoorthy, learned Standing Counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner, on an earlier occasion, filed WP.No.27983/2007 against the Secretary to Government, Housing and Urban Development Department, Chennai-9, Collector of Namakkal District, Special Tahsildar, Land Acquisition, Neighbourhood Scheme, Namakkal as well as the 2nd respondent herein, praying for issuance of a writ of declaration declaring that the land acquisition proceedings in respect of the petitioner's lands admeasuring to an extent of 2.17 acres in

S.NO.34/3 situate ad Kondichettipatty Village, Namakkal Taluk and District, have been lapsed in the light of the provisions u/s.11[A] of the Land Acquisition Central Act, 1894 and vide order dated 28.03.2013, the said writ petition came to be disposed on merits, upholding the prayer sought for by the petitioner. The 4th respondent in the said writ petition, aggrieved by the order dated 28.03.2013, made in WP.No.27983/2007, filed an appeal in WA.No.382/2014 and it was dismissed on 09.03.2016 and according to the petitioner, no further challenge has been made and it has become final.

3 Mr.R.Bharanidharan, learned counsel for the petitioner would submit that in the light of the acquisition, patta in respect of the said lands has been mutated in favour of the Tamil Nadu Housing Board and since the land acquisition proceedings have been declared as lapsed, the name of the petitioner is to be incorporated in respect of the above said extent of lands and in this regard, he has also submitted a representation dated 30.01.2017 to the 1st respondent and in spite of receipt of acknowledgment, so far no orders have been passed and therefore, the petitioner came forward to file to this writ petition.

4 Heard Mr.Era.Premnath, learned Government Advocate appearing for the 1st respondent and Mr.V.Anandamoorthy, learned Standing counsel appearing for the 2nd respondent.

5 This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to put the 2nd respondent on notice and thereafter, consider and dispose of the petitioner's representation dated 30.01.2017 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 2nd respondent.

6 The writ petition stands disposed of with the above direction. No costs.

WEB COPY

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

1. The Tahsildar
Namakkal Taluk
Namakkal.
2. The Executive Engineer-cum-
Administrative Officer
Tamil Nadu Housing Board, Salem
Block, Aiyyan Thirumaligai
Salem-6.

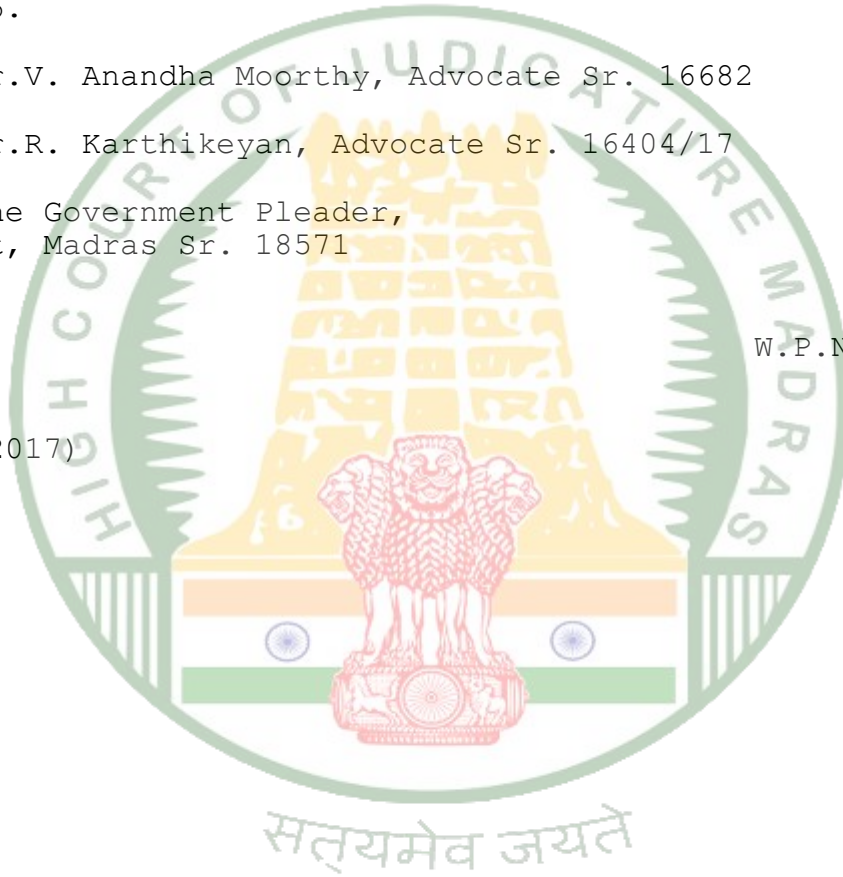
+1cc to Mr.V. Anandha Moorthy, Advocate Sr. 16682

+1cc to Mr.R. Karthikeyan, Advocate Sr. 16404/17

+1cc to the Government Pleader,
High Court, Madras Sr. 18571

W.P.No.6468/2017

BR(CO)
VR(07/04/2017)



WEB COPY