

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2017

CORAM:

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

W.A No.1530 of 2014 and
M.P.No.1 of 2014

- 1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 009.
 - 2.The Collector of
Dindigul District, Dindigul.
 - 3.The Revenue Divisional Officer,
Dindigul.
 - 4.The Executive Engineer,
Public Works Department,
Dindigul.
- ...Appellants/Respondents
- versus
- P.Alagumalai Pillai (Deceased)
Rep. by his legal representative
Chandrasekar
- ...Respondent/Petitioner

PRAYER: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 13.07.2012 made in W.P.No.30825 of 2015.

Prayer in W.P.No.30825 of 2005: Writ petition has been filed under Article 226 of the constitution of India directing the respondents to the lands of extent of 1Acre 21 cents in S.No.451/1 in Saralepatti Chettinaickanpatti Village, Dindigul Taluk.

For Appellants	: Ms.A.SriJayanthi Special Govt.Pleader
For Respondent	: Mr.D.Krishna Pradeep for Mr.N.Damodaran

J U D G M E N T

[Judgment of the Court was made by K.K.SASIDHARAN,J.]

The writ petition filed by the respondent to direct the appellants to exercise the power under Section 48-B of the Land Acquisition Act in respect of 1 Acre 21 cents in S.No.451/1 in Saralapatti, Chettinaickanpatti Village, Dindigul Taluk, taking into account the release of land to similarly situated persons was allowed by the learned single Judge. The order is put in issue before us.

2. We have heard the learned Special Government Pleader on behalf of the appellants. We have also heard the learned counsel for the respondent.

3. The respondent filed the writ petition in W.P.No.30825 of 2005 for re-conveyance on the ground that the Government have already released adjacent land to the erstwhile land owners. The learned single Judge instead of directing the appellants to consider the request on merits issued a positive direction to consider the matter making it clear that the respondent is also entitled to similar treatment. It is only on account of the positive nature of the order, the appellants have come up with this intra court appeal.

4. After hearing the learned counsel for the parties, we are of the view that interest of justice would be subserved by directing the first appellant to consider the representation submitted by the respondent for re-conveyance on merits and as per law.

5. The observation made by the learned single Judge that the respondent is entitled to an order directing re-conveyance on the basis of the release of land to the other land owners is set aside. In short, the issue shall be considered independently by the first appellant on merits. It is open to the land owner to produce materials before the first appellant in support of his contention that he is also entitled for the release of land.

6. The intra court appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 009.

2.The Collector,
Dindigul District, Dindigul.

3.The Revenue Divisional Officer,
Dindigul.

4.The Executive Engineer,
Public Works Department,
Dindigul.

+ 1 cc to Mr. N. Damodaran, Advocate SR.77547
+ 1 cc to the Government Advocate Sr.77659

W.A No.1530 of 2014

NMI (CO)
EU (29/11/2017)



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