

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 18.07.2019****CORAM****THE HON'BLE Mr. JUSTICE M.DHANDAPANI, J.****W.P.No.6950 of 2009**

V.Natarajan
G.Ramdoss
S.Kannan
K.Mohaharan
Vishalakshi

...Petitioners

Vs

1. The State of Tamil Nadu
Fort St.George,
Chennai-600 009.

2. The District Collector
Thiruvallur District
Thiruvallur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, to call for the records relating the order of the 1st respondent dated 04.08.2009 in Letter No.27463/Police X/2007-11 and quash the same and consequently, direct the 1st respondent to reconvey the lands of the petitioners in Survey No.691/1 and 692/1 at Thirumullaivoil Village, Avadi Municipality.

For Petitioners : K.Selvaraj

For Respondents : Mr.J.Ramesh
Additional Government Pleader
for R1.

Mr.M.Elumalai,
Government Advocate for R2.

ORDER

The petitioner has filed the writ petition for issuance of a Writ of Certiorarified Mandamus, to call for the records relating the order of the 1st respondent dated 04.08.2009 in Letter No.27463/Police X/2007-11 and quash the same and consequently, direct the 1st respondent to reconvey the lands of the petitioners in Survey No.691/1 and 692/1 at Thirumullaivoil Village, Avadi Municipality.

2. The case of the petitioner is that their lands bearing S.No.691/1 and 692/1 measuring 9.5 acres in Thirumullaivoyal Village Ambathur Taluk, were acquired for construction of quarters for the police personnel and also for Administrative Office buildings to Tamil Nadu Special Police Special Force. Award No.2/72 was passed on 27.03.1972. Thereafter, the petitioner and 4 others have filed W.P.No.1515 of 2002 before this Court, directing the State Government to consider and pass orders on their representation dated 03.11.2005 for re-conveyance of the acquired lands. Based on the above orders, the writ petitioners have approached the

authorities to consider reconveyance of lands in S.No.691/1 and 692/1, under Section 48-B of the Land Acquisition Act stating that they are prepared to repay the compensation amount. But the respondent board has decided that the said lands are required for public purpose and rejected the request of the petitioners. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that the Central Act is repealed, and now new enactment has come into force with effect from the year 2013. Hence liberty may be granted to the petitioner to file a fresh writ petition seeking the benefit under the said Act in the limited prayer.

4. A perusal of the records clearly shows that challenge in this writ petition is to the rejection of the request made by the petitioners for re-conveyance of lands in S.No.691/1 and 692/1, under Section 48 B of the Land Acquisition Act. The Hon'ble Supreme Court in the case of Tamil Nadu Housing Board vs. Keeravani Ammal and others [MANU/SC/7220/2007 :(2007) 9 SCC 255], has observed that Section 48-B introduced into the Land Acquisition Act in the State of Tamil Nadu is an exception to the

general rule and that the land on acquisition, becomes the property of the State and it could be used by the Government for any public purpose or in case, it is not needed for such public purpose, the same can also be sold by public auction.

5. The respondents have rejected the request for re-conveyance on the ground that the said lands are required for public purpose (i.e) for the construction of quarters for the Police Personnel also for Administrative Office Building to Tamil Nadu Special Police Special Force. The question of re-conveyance in terms of Section 48-B would arise only in case the Government is of the view that the land is not required for the purpose for which it was acquired or for any other public purpose. Before taking a decision for re-conveyance, the Government must be convinced that the land is not required not only for the purpose for which it was acquired, but for any other public purpose.

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6. In view of the decision made by the Hon'ble Supreme Court, stating that such Section 48 (B) is not a matter of right and if the land is not required for any other public purpose, it could be utilised for some other purpose. Hence, there is no necessity for

considering the reconveyance of lands. However, the learned counsel for the petitioner sought a limited request to avail the benefit of Section 24(2) of the Right to Fair Compensation Act, 2013.

7. Hence, this Court is inclined to grant liberty to the petitioner to file a fresh application under the new Act to work out the remedy in the manner known to law. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18/07/2019

ssb

To

1. The State of Tamil Nadu
Fort St.George,
Chennai-600 009.

2. The District Collector
Thiruvallur District
Thiruvallur.

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M.DHANDAPANI, J

ssb



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