

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.10.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.1797 of 2013 and  
M.P.Nos. 2 and 3 of 2014

- 1.S.Raman (Deceased)
- 2.R.Jayalakshmi
- 3.R.Viswanathan
- 4.R.Raja
- 5.R.Venkatachalam
- 6.R.Ayyanar
- 7.R.Srinivasan
- 8.R.Kamalaveni
- 9.R.Amsaveni

...Appellants/Petitioners

(Appellants 2 to 9 are substituted of LRS of the deceased sole Appellant vide order of Court dated 06/06/2014 made in MP 1/2014 IN W.A.1797/2013)

Vs

- 1.Government of Tamil Nadu Represented by  
Secretary to Government/  
Housing and Urban Development Department,  
Chennai - 600009.

- 2.The Special Tahsildar (Land Acquisition)  
Neighbourhood Scheme,  
Tamil Nadu Housing Board,  
Ayyan Thirumaligai, Salem - 636 008.

- 3.The Executive Engineer and  
Administrative Officer, Salem,  
Housing Unit Tamilnadu Housing Board,  
Salem - 636 008

...Respondents/Respondents

(R3 impleaded vide order dated 12.11.2014 in M.P.No.4/2014)

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,  
against the order made in W.P.No.50424 of 2006 dated 19.03.2010.

Prayer in W.P.No.50424 of 2006:-

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records of the 1st respondent herein relating to Letter No.42493/LA4(2)/2004 Housing and Urban Development Department dt 20.12.2005 to quash the same and to issue consequential directions to reconvey under Section 48-B of the Land Acquisition Act and landed property in S.No.36/1A (16 cents) and S.No.36/1B (1 Acre 59 cents) in Kannankurichy Village which was acquired by Government under Award No.6/88-89 dt 23.3.1989 passed by the 2nd respondent herein.

For Appellants : Mr.C.Prakasam

For Respondents : Mr.V.Ananthamurthy, AGP

J U D G M E N T

K.K. SASIDHARAN,J.

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

2. In view of the endorsement so made, the intra court appeal is dismissed as withdrawn with liberty. However, we make clear that the expression "liberty" should not be construed to be an expression of opinion on the merits of the matter. In short, it is for the writ court to decide the merits of the matter in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The Secretary to Government  
Government of Tamil Nadu  
Housing and Urban Development Department,  
Chennai - 60 0009.

2.The Special Tahsildar (Land Acquisition)  
Neighbourhood Scheme,  
Tamil Nadu Housing Board,  
Ayyan Thirumaligai, Salem - 636 008.

3.The Executive Engineer and  
Administrative Officer, Salem,  
Housing Unit Tamilnadu Housing Board,  
Salem - 636 008.

+1 CC Mr.C.Prakasam, Advocate in Sr.no.74993

+1 CC Mr.V.Ananthamurthy, Advocate in sr.no.74675

W.A.1797 of 2013

NMI (CO)  
EGR(20/11/2017)



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