

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 2/1/2017

C O R A M

The Honourable Mr. Justice S. Manikumar
and
The Honourable Mr. Justice M. Govindaraj

Writ Appeal No. 1604 of 2016

1. The Government of Tamil Nadu
rep. By the Secretary to Government
Housing & Urban Development Department
Fort St. George
Chennai 9.
 2. The District Collector
Collectorate Complex
Coimbatore District.
 3. The Special Tahsildar (LA)
Housing Scheme Unit
Tatabad
Coimbatore 12. Appellants/1, 4 & 5th respondents
- Vs
1. V. Punithavathy
 2. V.V. Kulandaivelu
 3. Kalaiarasi
 4. V.V. Easwaramoorthy
 5. V.V. Sathyanandan
 6. Thilagavathy
 7. V.V. Anandhabharathy
 8. The Tamil Nadu Housing Board
rep. By its Chairman & Managing Director
Nandanam
Anna Salai
Chennai 600 035.
 9. The Executive Engineer &

Administrative Officer
TNHB Unit
Tatabad
Coimbatore District.

... Respondents

Prayer: Appeal filed under Clause 15 of Letters Patent against the order, dated 7/5/2014, passed in W.P.No.9005 of 2014.

W.P.No.9005 of 2014 : Writ Petition filed under Art 226 of the Constitution of India for a Writ of declaration, to Declare that the entire Land Acquisition proceedings initiated under the Land Acquisition Act, 1894, in respect of the lands of an extent 4.08 acres comprised in S.F. No.472/1B and an extent of 2.00 acres of lands in S.F.No.477/1A situated at Vellakinaru Village Coimbatore belonging to the petitioners as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30/2013)

For appellants Mr.Pappiah
Special Government Pleader
For respondents Mr.G.Sankaran
for R.R.1 to 7

J U D G M E N T

(Judgment of the Court was delivered by S.Manikumar,J)

Writ Petition No.9005 of 2014 has been filed by Ms.V.Punithavathy and six others, for a writ of declaration, to declare the entire land acquisition proceedings initiated under the Land Acquisition Act, 1894, in respect of the lands to an extent of 4.08 acres comprised in S.F.No.472/1B and an extent of 2.00 acres of lands in S.F.No.477/1A situated at Vellakinaru Village, Coimbatore belonging to the petitioners, as lapsed, in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Upon hearing the learned counsel for the parties, a learned Single Judge, vide order, dated 7/5/2014, in W.P.No.9005 of 2014, has issued a writ as prayed for.

3. Similar prayer has been sought for in a batch of writ petitions, in W.P.Nos.25791 of 2010 etc., in respect of lands in Sholinganallur Village, Nolambur Village, Vellakinaru Village and other Villages. W.P.No.8777 of 2014, pertains to lands comprised in S.F.No.477/1D situated in Vellakinaru Village, Coimbatore, belonging to the petitioners therein. Writ Petition

No.7528 of 2014, pertains to lands in S.F.No.472/1A and 473/2, situated in the same Village.

4. The present appeal relates to lands in S.F.Nos.472/1B and 477/1A situated in Vellikinaru Village, Coimbatore District.

5. After considering the rival submissions, by a common order, the writ Court has granted the declaratory relief, sought for.

6. Being aggrieved, Tamil Nadu Housing Board, rep. by its Managing Director, Chennai and the Executive Engineer & Administrative Officer (Incharge), Adyar, Chennai, joined together, filed W.A.No.1101 of 2015, etc., batch.

7. On this day, when the instant Writ Appeal No.1604 of 2016 filed against W.P.No.9005 of 2014, came up for hearing, on instructions from the Special Tahsildar (Land Acquisition), Housing Scheme, Coimbatore, Mr.Pappiah, learned Special Government Pleader submitted that appeals in W.A.Nos.1101 of 2015, etc., batch, filed by the Housing Board and another, as stated supra, have been dismissed. He further submitted that the instant appeal filed by the Government of Tamil Nadu, represented by the Secretary to the Government, Housing & Urban Development Department, Chennai and two others, is on the same grounds raised by the Housing Board.

8. We have perused the Memorandum of grounds made in W.A.No.1604 of 2014 and the common order made in W.A.No.1101 of 2015, etc., batch, dated 26/2/2016. Grounds made in the instant appeal and the challenge made in Writ Appeal Nos.1101 of 2015, etc., batch are one and the same. Therefore, placing on record the submission of the learned Special Government Pleader, we are of the considered view that there is no need to once again advert to the very same grounds of challenge, made in the instant writ appeal. Common order made in W.A.No.1101 of 2015, etc. batch, dated 26/2/2016, is squarely applicable to the case on hand, both on facts and law.

9. In the result, this Writ Appeal is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition No.19840 of 2016 is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

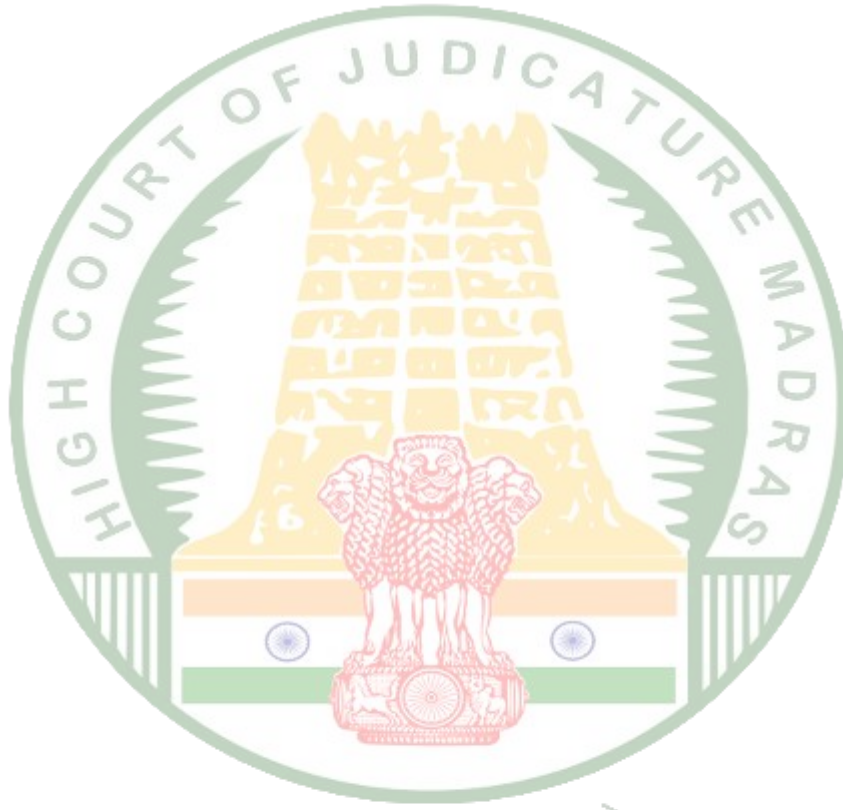
To

- 1.The Secretary Government of
Tamil Nadu Housing and Urban
Development Department, Fort St. George,
Chennai-9.
 - 2.The Chairman & Managing Director
Tamil Nadu Housing Board
Nandanam
Anna Salai
Chennai 600 035.
 - 3.The Executive Engineer & Administrative Officer
TNHB Unit
Tatabad
Coimbatore District.
 - 4.The District Collector,
Collectorate Complex,
Coimbatore, District.
 - 5.The Special Tahsildar (LA)
Housing Scheme Unit, Tatabad,
Coimbatore-12.
- +1cc to Government Pleader SR. 428/17
- +1cc to Mr. G. Sankaran SR. 344/17

Ad(CO)
VR (23/01/2017)

Writ Appeal No.1604 of 2016

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