

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ
W.A.No.1620 of 2016

and
C.M.P.No.20078 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, Coimbatore District.

3. The Special Tahsildar (LA),
Housing Scheme Unit,
Tatabad, Coimbatore - 12. ... 1,4 & 5th Appellants/Respondent

versus

1. Narayanasamy

2. Tmt. Santhamani

3. Anandakumar

4. Senthil

5. Mythili

..Respondent/Petitioners

6. The Tamilnadu Housing Board,
rep. by its Chairman & Managing Director,
Nandanam, Anna Salai,
Chennai - 600 035.

7. The Executive Engineer & Administrative Officer,
TNHB Unit, Coimbatore,
Tatabad, Coimbatore District. ... Respondents/2 & 3rd
[R6 & R7 given up] Respondent

Writ Appeal filed against the order dated 07.05.2014 in W.P.No.8774 of 2014. On the file of this Court Writ Petition filed under Article 226 of the Constitution of India for a Writ of declaration, to declaring that the entire land acquisition proceedings initiated under the Land Acquisition Act 1894 in respect of the lands of an extent of 2.32 acres comprised in S.F.No.527/1C an extent of 1.31 acres comprised in S.F.No.529/1B and an extent of 2.62 acres in S.F.No.530/1 situated at Vellakinaru Village Coimbatore belonging to the petitioner 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.K.V.Dhanapalan
Special Government Pleader
For Respondents : Mr.R.N.Amarnath (for R1 to R5)

JUDGMENT

(Order of the Court was made by S.MANIKUMAR, J.)

Vide order made in W.P.No.8774 of 2014 dated 07.12.2015, writ Court has issued writ of declaration, declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, in respect of lands belonging to the petitioners therein measuring 2.32 acres comprised in S.F.No.527/1C, an extent of 1.31 acres comprised in S.F.No.529/1B and an extent of 2.62 acres in S.F.No.530/1, situated at Vellakinaru Village, Coimbatore, as lapsed, as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30/2013).

2. In W.P.No.8774 of 2014, the Tamilnadu Housing Board, represented by its Chairman & Managing Director, Chennai and the Executive Engineer / Administrative Officer, Coimbatore Housing Unit, TNHB, Tatabad, Coimbatore District are respondents 2 and 3 respectively.

3. Government of Tamilnadu, represented by its Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai, the District Collector, Collectorate Complex, Coimbatore District and the Special Tahsildar (L.A.), Housing Scheme Unit, Tatabad, Coimbatore, are respondents 1, 4 and 5 respectively.

4. On this day, when the instant writ appeal came up for further hearing, Mr.K.V.Dhanapalan, learned Special Government Pleader appearing for the appellants / Government of Tamilnadu, represented by its Secretary to Government, Housing & Urban Department and two others submitted that being aggrieved by the order made in W.P.No.8774 of 2014, dated 07.05.2014, Tamilnadu Housing Board, represented by its Chairman and Managing Director, Chennai and the Executive Engineer / Administrative Officer, Coimbatore Housing Unit, TNHB, Tatabad, Coimbatore District, respondents 2 and 3 respectively, in the writ petition

have filed Writ Appeal No.1434 of 2014 and that vide order dated 26.02.2016 in W.A.Nos.1101 of 2014 etc batch (28 Writ Appeals), a Hon'ble Division Bench of this Court, dismissed the appeals filed by the Housing Board.

5. We have perused the copy of the common order in W.A.Nos.1101 of 2014 etc batch dated 26.02.2016 filed by the Tamilnadu Housing Board, represented by its Managing Director, Chennai and another Vs. iGate Global Solutions Limited and another, reported in 2016 (2) CTC 241.

6. The main contention of the Housing Board that possession had been handed over to them, has not been accepted by the Hon'ble Division Bench. Memorandum of grounds raised in the instant Writ Appeal No.1620 of 2016 filed by the Government of Tamilnadu, represented by the Secretary to Government, Housing & Urban Development Department, Fort. St. George, Chennai and two others, are similar in nature. Inasmuch as the grounds raised herein have already been adverted to, by a Hon'ble Division Bench of this Court in W.A.Nos.1101 of 2014 batch dated 26.02.2016, we are not inclined to repeat the said exercise.

7. Reasons assigned by the Hon'ble Division Bench, on the grounds adverted, apply to the case on hand also. Therefore, following the common order made in W.A.No.1101 of 2014 etc., batch dated 26.02.2016, instant writ appeal is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1 The Chiariman & Managng Director
The Tamil Nadu Housing Board,
Re Nandanam, Anna Salai,
Chennai 600 035

2 The Executive Engineer & Administrative Officer
TNHB Unit, Coimbatore
Tatabad, Coimbatore District

3 The Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai - 9

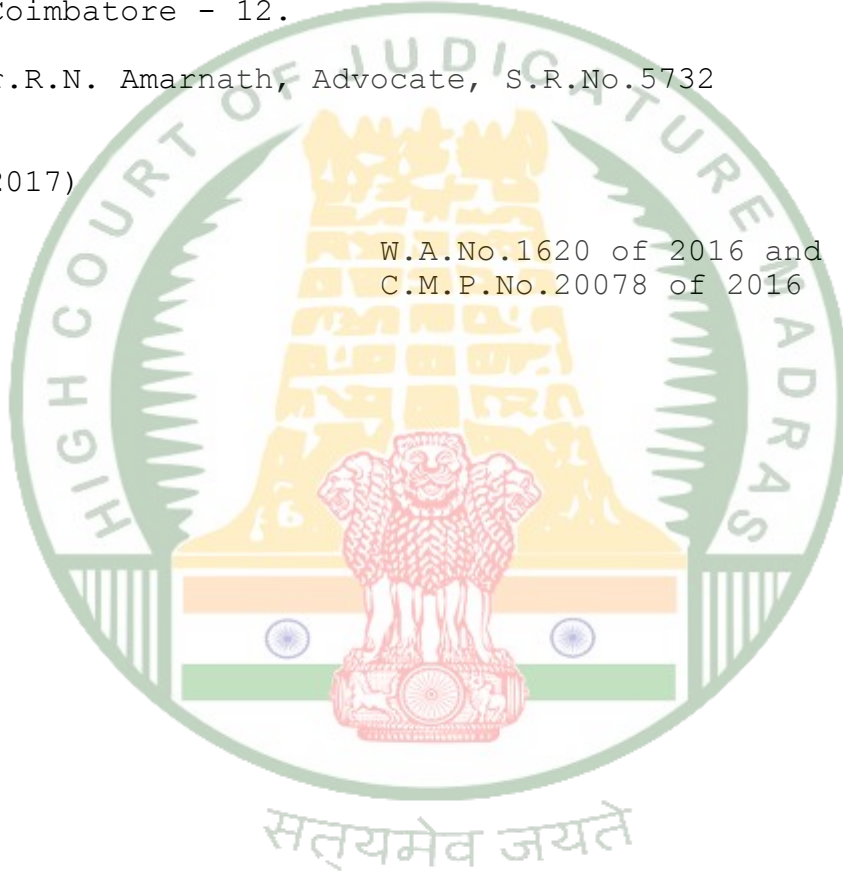
2. The District Collector,
Collectorate Complex,
Coimbatore, Coimbatore District.

3. The Special Tahsildar (LA),
Housing Scheme Unit,
Tatabad, Coimbatore - 12.

+1cc to Mr.R.N. Amarnath, Advocate, S.R.No.5732

pk(CO)
md(12/02/2017)

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C.M.P.No.20078 of 2016



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