

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

Writ Appeal No.1628 of 2016

and

C.M.P.No.20245 of 2016

The Executive Engineer
and Administrative Officer
Tamil Nadu Housing Board
Coimbatore Housing Unit
Tatabad, Coimbatore - 12

.... Appellant

vs.

1.Krishnakumar

2.The State of Tamil Nadu
Rep. by Secretary to Government
Housing and Urban Development Department
Fort. St. George
Chennai - 9

3.The Special Tahsildar
(Land Acquisition)
House Scheme No.II
Coimbatore

.... Respondents

Writ Appeal under clause 15 of the Letters Patent against the order passed in W.P.No.39626 of 2015 dated 14.03.2016. Writ Petitioner filed under Article 226 of the constitution of India for the issuance of writ of Mandamus directing the respondents to reconvey the property situated in S.No.294/2 of Kalapatti Village Coimbatore Taluk notified of the G.O.No.302 dated 02.07.1996 as same is not utilized for the purpose of acquired by the TNHB since 1996

For appellant

: Mr.K.Venkatramani
Additional Advocate General
for Mr.V.Anandha Murthy

For Respondents : Dr.R.Sampathkumar
for M.Muthukrishnan for R1
Mr.T.M.Pappiah, Spl. Govt.
Pleader for R2 and R3

JUDGMENT

(delivered by S.MANIKUMAR, J)

Order of the writ court made in W.P.No.39626 of 2015 dated 14.03.2016, by which, a writ of mandamus has been issued to the respondents therein/appellants to re-convey the property situated in S.No.294/2 of Kalapatti Village, Coimbatore Taluk notified under G.O.No.302 dated 02.07.1996, to the first respondent, within a period of three months from the date of receipt of a copy of the order made in the writ petition, is challenged in the instant appeal.

2. Though Mr.K.Venkatramani, learned Additional Advocate General made submissions assailing the correctness of the order impugned on the memorandum of grounds of appeal, when attention of this court was brought to the notice that there was not even a representation from the writ petitioner for re-conveyance and thus under the above said circumstances, mandamus ought not to have been issued by the writ court, Dr.R.Sampathkumar, learned counsel representing Mr.M.Muthukrishnan, learned counsel for the first respondent, submitted that this client/first respondent would make a representation to the Secretary to the Government, Housing and Urban Development Department, Chennai, for re-conveyance of the lands measuring 10 cents and 198 sq.ft. in S.No.294/2 Kalapatti Village, Coimbatore Taluk notified under G.O.Ms.No.302 dated 02.07.1995.

3. In view of the submission of the learned counsel for the first respondent/writ petitioner, we are of the view that there is no need to delve into the grounds of challenge. Failure to send a representation, is admitted by the respondent. Therefore, order made in W.P.No.39626 of 2015 dated 14.03.2016 is set aside. Permission is granted to the writ petitioner to make a representation under Section 48-B for re-conveyance, as stated supra to the competent authority, within a period of two weeks from the date receipt of a copy of this order, raising grounds, permissible in law.

4. On receipt of such representation, remarks should be called for from the Executive Engineer, Administrative Officer, Tamil Nadu Housing Board, Coimbatore Housing Unit, Tatabad, Coimbatore-12, as expeditiously as possible. The latter is directed to furnish all the remarks with records, so as to enable the Secretary to the Government, Housing and Urban Development Department, Chennai, to pass orders within

eight weeks thereafter.

5. With the above directions, writ appeal is disposed of. However, there shall be no order as to cost. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

Asr

To:

- 1.The Executive Engineer
and Administrative Officer
Tamil Nadu Housing Board
Coimbatore Housing Unit
Tatabad, Coimbatore - 12
- 2.The State of Tamil Nadu
Rep. by Secretary to Government
Housing and Urban Development Department
Fort. St. George
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3. The Special Tahsildar
(Land Acquisition)
House Scheme No.II
Coimbatore

+1cc to Mr.M.Muthukrishnan Advocate sr.260

+1cc to Government Pleader sr.2622

+1cc to Mr.V.Anandha Murthy, Advocate sr.2541

vsn(co)
ss(27/01/2017)

W.A.No.1628 of 2016

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