

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM :

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.44474 of 2016

S.Gunasekaran

... Petitioner

.vs.

1. The Government of Tamil Nadu
Rep. by its Commissioner and Secretary
to Government,
Housing & Urban Development Department,
Fort St. George, Chennai - 9.
 2. The Special Tahsildar (Land Acquisition)
Housing Scheme, Unit-II,
Coimbatore.
 3. The Executive Engineer / Administrative Officer
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Coimbatore - 12.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of declaration, declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 1.40 acres comprised in S.F.No.744/1B situated at Kalapatty Village, Coimbatore Taluk and District belonging to the petitioner as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

For petitioner : Mr.R.Sivakumar
For respondents : Mr.R.Govindasamy, Spl.G.P
for R1 and R2
Mr.B.Vivekaranan
for R3

ORDER

This writ petition has been filed by S.Gunasekaran, seeking very peculiar prayer of writ of declaration, without even challenging the land acquisition proceedings nor questioning the Award said to have been passed against his vendor.

2. When the land according to the petitioner was acquired in

the year 1991 under Section 4(1) of the Land Acquisition Act, the petitioner has neither challenged the said 4(1) Notification nor Section 6 declaration and also not even challenged the award said to have been passed long time ago.

3. Merely making a ground that he has been in physical possession of the land, cannot carry any testimony, without even showing any revenue record to show that the petitioner is in physical possession of the land at any point of time. Therefore, this Court is not able to find any substance in the present writ petition.

4. Secondly as already mentioned above, the land acquisition proceedings took place way back in the year 1991. No iota of evidence has been produced by the petitioner, when he has made representation to the land acquisition officer either to pay compensation or before this Court to show that he is in physical possession of the property at any point of time.

5. Therefore, this writ petition is fully devoid of merits and accordingly, the same is dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

tsvn

To

1. The Commissioner and Secretary
to Government
Government of Tamil Nadu
Housing & Urban Development Department,
Fort St. George, Chennai - 9.
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Tatabad, Coimbatore - 12.

+1cc to Mr.Mr.B.Vivekavanam Advocate Sr.No.245
+1cc to Mr.M.R.Sivakumar, Advocate Sr.No694.
+1cc to Government Pleader Sr.No.202.

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VSN(CO)
GN(24/01/2017)