



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.11.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.8048 of 2015
and M.P.(MD) No.1 of 2015

M.A.S.Kamaludeen

... Petitioner

-vs-

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tamil Nadu Police Housing Corporation Ltd.,
Rep. by its Chairman,
No.132, E.V.R.Road,
Poonamallee High Road,
Kilpauk, Chennai.

3. The Executive Engineer,
Tamil Nadu Police Housing Corporation Ltd.,
Palayamkottai, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents or their subordinates from in any way effecting constructions in the land in S.Nos. 618/1A and 618/1B, Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli District, belonging to the petitioner without acquiring the same as per the Right to Fair Compensation and transparency in land acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.B.Pugalendhi,
Addl. Advocate General
Assisted by Mr.D.Muruganandam
Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking to forbear the respondents or their subordinates from in any way effecting constructions in the land in S.Nos. 618/1A and 618/1B, Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli District, belonging to the petitioner without acquiring the same as per the Right to Fair Compensation and transparency in land acquisition Rehabilitation and Resettlement Act, 2013 (Act 30 of



2013).

2. When the matter is taken up for hearing, the learned Additional Advocate General appearing for the respondents, by referring to Paragraph No.4 of the counter affidavit filed by the 3rd respondent, has submitted that S.No.618/1B was only acquired to the extent of 3475 sq.mt. for the purpose of construction of houses to the Police Personnel and the respondents have not acquired any land or encroached into the land in respect of S.No.618/1A. For better appreciation, the Paragraph No.4 of the counter affidavit is hereby reproduced as under:

"4. It is humbly submitted that originally the land in Survey No.618/1B Kulavanigarpuram Village, Tirunelveli District belongs to Government and classified as "Urban Surplus land" (). Therefore, based on the request of the Tamil Nadu Police Housing Corporation Limited and the recommendation of the Special Commissioner and Commissioner Urban Land Ceiling and Urban Land Tax, Chepauk, Chennai by his proceedings in Lr.No.Na.Ka.E3/14278/05 dated 07.10.2005, the Government of Tamil Nadu issued an order in G.O.Ms.No.297 Revenue [(ULC)1/(2)] dated 17.06.2010 granting the land in Survey No.618/1B to an extent of 3475 sq.mt. At Kulavanigarpuram Village, Tirunelveli District for the purpose of constructing the house to the Police personnel under the "Own Your House Scheme" by the Tamil Nadu Police Housing Corporation Limited. In furtherance of the said G.O., the 2nd respondent is directed to pay a sum of Rs.1,24,92,620/- (One Crore Twenty Four Lakhs Ninety Two Thousand Six Hundred and Twenty only) and interest also so as to starts the construction of building."

3. In view of the above submission and recording the statement made in the counter affidavit, this writ petition is closed, leaving it open to the petitioner to seek appropriate legal remedy, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

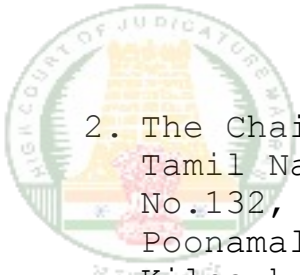
Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.



2. The Chairman,
Tamil Nadu Police Housing Corporation Ltd.,
No.132, E.V.R.Road,
Poonamallee High Road,
Kilpauk, Chennai.

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3. The Executive Engineer,
Tamil Nadu Police Housing Corporation Ltd.,
Palayamkottai, Tirunelveli District.

+1cc to M/S.AJMAL ASSOCIATES., Advocate, SR.88882

+1cc to M/S.Special Government Pleader, SR.89114

W.P (MD) No.8048 of 2015
22.11.2017

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