



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.A(MD)No.1108 of 2016

Dr.G.M.J.Kamalakumar

... Appellant / Petitioner

Vs.

1. The Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Chennai.

2. The District Collector,
Thoothukudi District,
Thoothukudi.

...Respondents/Respondents

PRAYER: Appeal is filed under Section 15 of the Letters Patent, to set aside the order dated 29.03.2016 in W.P.(MD)No.4802 of 2014 before this Court.

Prayer in WP(MD). 4802/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents to reconvey the land in survey no.1149/1 and 1150/1 measuring about 9 acres in Meelavittan village, Thoothukudi District to the legal heirs of Mr. Raja G. Ganesan in consideration of the petitioners representation dated 29.7.13.

For Appellant : Mr.G.Prabhu Rajadurai

For Respondents : Mr.C.Selvaraj
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by K.KALYANASUNDARAM,J.)

This writ appeal is directed against the order passed in W.P.(MD)No.4802 of 2014, dated 29.03.2016 by the learned single Judge of this Court.

2. Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.C.Selvaraj, learned Special Government Pleader for the respondents.



3. It is seen that the Government issued a notification in the year 1962 to acquire the land to an extent of 12,847.40 acres to cater the needs of Tuticorin Harbour and the petitioner's land comes under Zone-VI.

4. The grievance of the petitioner is that some of the lands covered under the above said notification, were denotified and handed over to the owners, but, the representation of the petitioner was not considered.

5. It is not in dispute that the land of the petitioner was acquired in the year 1966, when the petitioner's father was alive, however, he did not raise any objection for acquisition of the land. Long after his demise, the writ petition came to be filed seeking direction to consider the representation of the petitioner for re-conveyance. This Court, keeping in mind the principles laid down by the Honourable Supreme Court in **A.F.SRTC Vs. G.Srinivas Reddy**, reported in (2006) 3 SCC 674 = 2006-3-L.W.170 and **M.Ingaci Vs. The Commissioner, Devakottai & others**, reported in 2010-2-L.W.785, dismissed the writ petition.

6. We do not find any ground to set aside the order of the learned single Judge. Hence, this writ appeal is liable to be dismissed and accordingly, this writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Chennai.

2. The District Collector,
Thoothukudi District,
Thoothukudi.

+1cc to Mr.G.Prabhu Rajadurai, Advocate Sr.No.84508
+1cc to Spl.Government Pleader Sr.No.84383

SM

VB/SV/MMS/SAR1/24/11/2017/2P/5C

W.A(MD) No.1108 of 2016
30.10.2017