



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1375 of 2013

and

M.P. (MD) No. 1 of 2013

S.Chandra Selvaraj

: Appellant

Vs.

1.The Secretary to Government,
Tamil Nadu Housing and Urban Development Department,
St. George Fort,
Chennai - 9.

2.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai.

3.The Special Tahsildar,
(Land Acquisition),
Madurai South Taluk,
Neighborhood Scheme,
Madurai District - 20.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, praying to set aside the order dated 10.10.2013 passed in W.P. (MD) No.16820 of 2013 on the file of this Court.

Prayer in WP(MD). 16820/ 2013 :

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus ,calling for the records relating to the 1st respondent in his proceedings letter No.9912/LA3(1)2003-3 dated 10.9.2013 and quash the same and further direct the 1st respondent to reconvey the land at S.No.14/1C1 measuring to an extent 0.33 acres at Thoppur Village, Madurai South Taluk, Madurai District.

For Petitioner

:Mr.PT.S.Narendravasan

For Respondent No.1

:Mr.M.Murugan
Government Advocate

For Respondent No.2

:Mr.Nagarajan

**JUDGMENT**

[Judgment of the Court was made by **M.M.SUNDRESH, J.**]

WEB COPY The order of the learned Single Judge is sought to be predicated on two grounds. One is with respect to the challenge made on the earlier occasion and the second is with respect to the award passed. We find a considerable force in the submission made by the learned counsel for the appellant. Challenging the proceedings has got no connection with the discretionary order passed under Section 48 (b) of the Land Acquisition Act, 1894. Similarly, passing the award would not stand in the way of the erstwhile owner, seeking an order under Section 48 (b). In other words, the learned Single Judge has not considered the validity of the impugned order.

2.In such view of the matter, we remit the matter back for fresh consideration. The Registry is directed to post the matter before the learned Single Judge. The respondent is directed to file counter affidavit within a period of four weeks from the date of receipt of a copy of this judgment. The Writ Appeal stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The Secretary to Government,
Tamil Nadu Housing and Urban Development Department,
St. George Fort,
Chennai - 9.

2.The Special Tahsildar,
(Land Acquisition),
Madurai South Taluk,
Neighborhood Scheme,
Madurai District - 20.

+1cc to M/S.PT.S.NARENDRAVASAN, Advocate SR.No.66293

+1cc to the Special Government Pleader, SR.No. 66964

COPY TO:

The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

MR

MAS/SV/SAR3:26.07.2017:2P-6C