



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Writ Petition(MD)No.13088 of 2013
and
M.P(MD)No.1of 2013

Immanuel Gladston Karkada

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by the Commissioner and
Secretary to Government Urban and
Housing Development Department,
Fort St. George,
Chennai.

2.The Special Tahsildar
Madurai South Neighbourhood Scheme,
Madurai.

3.The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai -600 035.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned letter in Letter No.5542/NI.A3(1)/2012 dated 23.11.2012 on the file of the Respondent No.1 and quash the same as illegal and consequently direct the Respondent's to re-convey the land in an extent of 0.56 acre in Survey No.13/2B3 in Thoppur village in Madurai District to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For Respondents 1&2 : Mr.S.Kumar
Additional Government Pleader

For 3rd Respondent : No Appearance

**ORDER**

Aggrieved by the rejection of the petitioner's request for reconveyance under Section 48(B) of the Land Acquisition Act, 1894, the petitioner is before this Court. It is now well settled by the decision of the Division Bench of this Court in **2015(7) MLJ 49 (Tamil Nadu Arasu Kooturavuthurai Paniyalargal Sangam Vs.M.R.Srinivasan and others)** that the exercise of the power under Section 48(B) is solely within the discretion of the Government and there cannot be a judicial review of exercise of the said power. Therefore, the writ petition fails and the same is dismissed. However, it is open to the petitioner to challenge acquisition itself, in a manner known to law. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(Protocol)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner and Secretary to
State of Tamil Nadu
Government Urban and Housing
Development Department
Fort St. George,
Chennai.

2.The Special Tahsildar
Madurai South Neighbourhood Scheme
Madurai.

+1 cc to Special Government Pleader in SR.No. 16638

sms/vsg

AE/SKN/RSK/SAR2/05.04.2017/2P/4C

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