

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.39240 of 2004

Dr.M.Muthu

... Petitioner

Vs

- 1.State of Tamil Nadu
Rep. by Chief Secretary to Government
Fort St. George
Chennai - 600 009.
- 2.The District Collector
Tuticorin.
- 3.The Revenue Divisional Officer
Tuticorin.
- 4.The Divisional Engineer
National Highways
Tuticorin
Tuticorin District.
- 5.National Highways Authority of India
Rep. by its Project Director
Project Implementation Unit (PIU)
SBI 1st colony, Madurai.
(R5 impleaded as per order dated 29.09.2009
in W.P.M.P.No.1693 of 2008 in W.P.No.39240/04)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to re-convey 98 cents of land in Surveny No.315/3A, Pudur, Pandiapuram Village, Ottapidaram Taluk, Tuticorin District acquired from the petitioner under the Land Acquisition Act and pass such other or further orders.

For Petitioner : Ms.V.S.Manimekalai
For Respondents : Mr.Akil Akbar Ali,
Government Advocate [R1 to R4]
Mrs.R.Sumathy [R5]

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to re-convey 98 cents land in Survey No.315/3A, Pudur, Pandiapuram Village, Ottapidaram Taluk, Tuticorin District acquired from the petitioner under the Tamil Nadu Land Encroachment Act, 1905.

2. Learned counsel appearing on behalf of the writ petitioner made a submission that the land belong to the petitioner was acquired to the extent of 98 cents in Surveny No.315/3A, Pudur, Pandiapuram Village, Ottapidaram Taluk, Tuticorin District for the purpose of laying SPIC Harbour bypass road. Admittedly, compensation had already been paid to the writ petitioner and the acquisition proceedings were also completed long back. The challenge made with reference to the acquisition proceedings were dismissed and therefore, now the petitioner filed the present writ petition for re-conveyance of the acquired land on the ground that the land has not been utilized for the purpose, for which it was acquired.

3. The counter affidavit filed by the fourth respondent the Divisional Engineer, National Highways, Tuticorin District states that the lands were handed over to the National Highways Department. Out of 23.93 acres of land, 98 cents in S.No.315/3A belong to the petitioner was also handed over to the Divisional Engineer. Subsequently, the said lands were transferred to the Highways and Rural Works Department and then to the Divisional Engineer (National Highways). Compensation was already paid to all the pattadars including the writ petitioner. The land in dispute is in the possession of the National Highways Authority of India and it is under the absolute ownership of the National Highways Authority of India.

4. The lands acquired are essentially required for the formation of the road and the same has already been utilized for the purpose of expansion of the National Highways road. Learned counsel for the writ petitioner states that the land acquired is now vacant and not fully utilized by the National Highways Authority of India. However, it is for the authorities competent to utilize the land in the manner known to law for the purpose of laying the National Highways Road or for the expansion.

5. However, this Court is of an opinion that the acquisition proceedings had been completed in all respects and the amount of compensation had already been disbursed. The land is now handed over to the National Highways Authority of India for the purpose of developing the National Highways.

6. This being the factum, the relief as such sought for to direct the respondent to re-convey the land, already acquired does not arise at all. Accordingly, this writ petition stands dismissed. No costs.

vsm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary to Government
State of Tamil Nadu
Fort St. George
Chennai - 600 009.
2. The District Collector
Tuticorin.
3. The Revenue Divisional Officer
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4. The Divisional Engineer
National Highways
Tuticorin
Tuticorin District.
5. Project Director
National Highways Authority of India
Project Implementation Unit (PIU)
SBI 1st colony, Madurai.

+1cc to M/s.S.R.Sumathi, Advocate, S.R.No.88456
+1cc to the Government Pleader, S.R.No.88391.

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MG (CO)
KAK (10/01/2019)

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