

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Review Application Nos.152 to 155
and 171 and 172 of 2018

In

W.A.Nos.1364, 1365, 1367, 1366,
1368 and 1369 of 2017

P.Duraikannu ... Applicant
in Rev.Appln.No.152 of 2018

J.Thenmozhi ... Applicant
in Rev.Appln.No.153 of 2018

P.Sundaramoorthy ... Applicant
in Rev.Appln.No.154 of 2018

P.Veerasamy ... Applicant
in Rev.Appln.No.155 of 2018

1.P.Renuka
2.P.R.Balasankar
3.P.R.Jayaseelan ... Applicants
in Rev.Appln.Nos.171 and
172 of 2018

Vs.

1. The Chairman
Tamil Nadu Housing Board,
Nandanam, Anna Salai, Chennai - 600 035.
2. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Villupuram Housing Unit,
East Pondy Road,
Maharajapuram, Villupuram.
3. The Secretary to Government,
Housing and Urban Development,
Secretariat, Chennai - 9.

4. The District Collector,
Cuddalore District,
Cuddalore.

... Respondents 1 to 4
(in all Rev.Applns.)

5. The Land Acquisition Officer
And Special Tahsildar,
Tamiil Nadu Housing Board Scheme,
Velisemmandalam Village,
Cuddalore District

... 5th Respondent
(in Rev.Appln.No.172 of 2018)

Common Prayer: Review applications filed under Order 47 Rule 1
r/w Section 114 of Civil Procedure Code, to review the judgment
passed by this Court dated 05.02.2018 made in W.A.Nos.1364,
1365, 1367, 1366, 1368 and 1369 of 2017.

Prayer in W.A.No.1364/2017:

Writ Appeal filed under clause 15 of the letter patent Act
to allow the Writ appeal by setting aside the Order passed by
the Learned Judge in WP No. 19086/2013 dated 22/12/2014 such
further or other order as this Honble Court.

Prayer in W.A.No.1365/2017:

Writ Appeal filed under clause 15 of the letter patent Act
to allow the Writ Appeal by setting aside the Order passed by
the Learned Judge in WP No. 19087/2013 dated 22/12/2014 such
further or other order as this Honble Court.

Prayer in W.A.1366/2017:

Writ Appeal filed under clause 15 of the letter patent Act
to allow the Writ Appeal by setting aside the Order passed by
the Learned Judge in WP No. 19088/2013 dated 22/12/2014 such
further or other order as this Honble Court.

Prayer in W.A.1367/2017:

Writ Appeal filed under clause 15 of the letter patent Act
to allow the Writ Appeal by setting aside the Order passed by
the Learned Judge in WP No. 19089/2013 dated 22/12/2014 such
further or other order as this Honble Court.

Prayer in W.A.1368/2017:

Writ Appeal filed under clause 15 of the letter patent Act
to allow the Writ Appeal by setting aside the Order passed by

the Learned Judge in WP No. 21693/2013 dated 22/12/2014 such further or other order as this Honble Court.

Prayer in W.A. 1369/2017:

Writ Appeal filed under clause 15 of the letter patent Act to allow the Writ Appeal by setting aside the Order passed by the Learned Judge in WP No. 21694/2013 dated 22/12/2014 such further or other order as this Honble Court.

Prayer in W.P.No.19086 of 2013:

Writ Petition filed under Article 226 of the constitution of India Calling for the records of the 1st respondent in his proceeding in Letter No. 7197/Ne.A.2(1)/13-3 dated 10.06.2013 and quash the same and consequently direct the Respondents to re-convey the land situated in Survey No.13/5 measuring an extent of 0.13.50 Hectares in Velisemmandalam Village Cuddalore District to the petitioner.

Prayer in W.P.No.19087/2013:

Writ Petition filed under Article 226 of the constitution of India Calling for the records of the 1st respondent in his proceeding in Letter No. 7197/Ne.A.2(1)/13-4 dated 10.06.2013 and quash the same and consequently direct the Respondents to re-convey the land situated in Survey No.13/5 measuring an extent of 0.40.50 Hectares in Velisemmandalam Village Cuddalore District to the petitioner.

Prayer in W.P.No.19088/2013:

Writ Petition filed under Article 226 of the constitution of India Calling for the records of the 1st respondent in his proceeding in Letter No. 7197/Ne.A.2(1)/13-5 dated 10.06.2013 and quash the same and consequently direct the Respondents to re-convey the land situated in Survey No.13/5 measuring an extent of 0.13.50 Hectares in Velisemmandalam Village Cuddalore District to the petitioner.

Prayer in W.P.No.19089/2013:

Writ Petition filed under Article 226 of the constitution of India Calling for the records of the 1st respondent in his proceeding in Letter No. 7197/Ne.A.2(1)/13-6 dated 10.06.2013 and quash the same and consequently direct the Respondents to re-convey the land situated in Survey No.13/5 measuring an extent of 0.13.50 Hectares in Velisemmandalam Village Cuddalore District to the petitioner.

Prayer in W.P.No.21693/2013:

Writ Petition filed under Article 226 of the constitution of India calling for the records of the 1st respondent in his proceeding in Letter NO.7303/ Ne.A. 2(1)/ 2011-6 dated 10.7.2013 and quash the same and consequently direct the respondents to release the land situated in Survey No.13/5 measuring an extent of 1.42.00 Hectares in Velisemmandalam Village Cuddalore District to the petitioners.

Prayer in W.P.No.21694/2013:

Writ Petition filed under Article 226 of the constitution of India calling for the records of the 4th respondent relating to award NO.5/95 dated 5.1.1995 and quash the same in respect of the petitioners herein and consequently direct the respondents to release the land situated in Survey No.13/5 measuring an extent of 1.42.00 Hectares in Velisemmandalam Village Cuddalore District to the petitioners.

For Applicants : Mr.V.Prakash,
Senior counsel for
Mr.M.Kaviveerappan
(in all Rev.Applns.)

For Respondents : Dr.R.Gowri,
Standing Counsel for R1 and R2
(in all Rev.Applns.)
Mr.M.Elumalai,
Government Advocate for R3 and R4
(in all Rev.Applns.)

C O M M O N O R D E R

(Order of the Court was made by K.K.SASIDHARAN,J.)

The writ petitions filed by the review petitioners for re-conveyance of the land under Section 48 B of the Land Acquisition Act was allowed by the learned Single Judge. The said order was set aside by this Court at the instance of the Tamil Nadu Housing Board. The petitioners have come up with these review petitions on the ground that the award passed by the Land Acquisition Officer was set aside in the earlier proceedings at the instance of a third party and as such, there is no valid award to acquire the property.

2. Mr.V.Prakash, learned Senior Counsel by placing reliance on the order dated 8th March, 2000 in W.P.No.17433 of 1999

contended that the entire award No.5 of 95, dated 05.01.1993, was quashed by this Court. Since there is no valid award, the very act of taking possession is illegal. The learned Senior Counsel further contended that the lands adjacent to the subject land were all given to the parties from whom it was acquired. Since the petitioners are similarly situated, the Housing Board has to consider their request for re-conveyance.

3. The challenge before the Writ Court was the order passed by the Tamil Nadu Housing Board rejecting the claim for re-conveyance of the property.

4. The acquisition has become final insofar as the petitioners are concerned. The land owners whose names were recorded in the land register received compensation from the Civil Court. The said property was sold to the petitioners. Even after purchase of the property, there was no challenge at the instance of the petitioners to the land acquisition. The petitioners made a claim for re-conveyance, which was ultimately rejected by the Tamil Nadu Housing Board. Therefore, it would not be open to the petitioners to come with a contention at this point of time to re-convey the land to them.

5. We are of the view that none of the grounds raised by the petitioners would constitute an error apparent on the face of the record, so as to invoke the jurisdiction under Order 47 Rule 1 of C.P.C.

6. In the upshot, we dismiss the review applications. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai - 600 035.
2. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Villupuram Housing Unit,
East Pondy Road,
Maharajapuram, Villupuram.

3. The Secretary to Government,
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Secretariat,
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Cuddalore District,
Cuddalore.
5. The Land Acquisition Officer
And Special Tahsildar,
Tamiil Nadu Housing Board Scheme,
Velisemmandalam Village,
Cuddalore District.

+6cc to Mr.M.Kaviveerappan, Advocate Sr.29873, 29874, 29875,
29876, 29877, 29878

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srg 10/06/2019