

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.18812 of 2018

1. Kulandaisamy
2. Pushpa
3. Dhanabakkiyam
4. Palanisamy
5. Saraswathi

...Petitioners

Vs.

1. The Additional Chief Secretary,
Commissioner of Land Administration,
Ezhilagam,Chepauk,
Cehnnai - 600 005.
2. The District Collector,
Erode District,Erode - 638 011.
3. The District Revenue Officer,
Erode - 638 011,Erode District.

...Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioners' representation dated 04.06.2018 to re-convey the lands measuring 2.60 acres comprised in S.Nos.22, 23, 27/1A, 27/1B and 27/1D, Suriyampalayam Village, Erode District, by considering the report dated 22.07.2013 and 13.04.2018 made in Va.Pa.No.27/74/A1 submitted by the 2nd respondent.

For Petitioners : Mr.N.Manokaran

For Respondents : Mr.Akhil Akbar Ali, G.A.

ORDER

Mr.Akhil Akbar Ali, learned Government Advocate takes notice for the respondents. By consent of the learned counsel appearing for the parties, the writ petition is taken up for hearing.

2. The prayer in the writ petition is for issuance of a writ of mandamus, directing the 1st respondent to consider the petitioners' representation dated 04.06.2018 to re-convey the lands measuring 2.60 acres in Survey Nos.22, 23, 27/1A, 27/1B and 27/1D, in Suriyampalayam Village, Erode District.

3. The case of the petitioners is that the lands measuring 37.13 acres in Survey Numbers of the petitioners' family were acquired by the respondents for establishment of Erode Vasavi College under the Land Acquisition, Act, 1894. As per the agreement entered, G.O.Ms.No.2141 (Education), dated 15.12.1971 was published on condition that the land shall be utilised for establishment of the College within a period of six years.

4. The petitioners would state that due to the non utilisation of the lands, the Tamil Nadu Water Supply and Drainage Board and Tamil Nadu Housing Board have sought for allotment of some extent in the lands acquired. The second respondent convened a meeting and it was agreed that an extent of 17.71 acres will be retained by the College, the extent of 3 acres has to be handed over the land owners and the remaining 14.59 acres has to be transferred to the Tamil Nadu Water Supply and Drainage Board.

5. The learned counsel for the petitioners submitted that in pursuance of the meeting, G.O.Ms.No.263, dated 26.03.1996 came to be issued, but subsequently, it was not implemented. Thereafter, the legal heirs of the original owners appeared before the second respondent and agreed for re-conveyance excluding 40 cents out of the 3 acres acquired for formation of National Highways. Thereupon, the second respondent has submitted a proposal dated 13.04.2018 to the first respondent for approval, which is pending consideration for more than three months. Hence, the petitioners made a representation dated 04.06.2018, however the same was not considered.

6. It is further submitted that the petitioners would be satisfied if a suitable direction is issued to the first respondent to consider the representation of the petitioners dated 04.06.2018.

7. The learned Government Advocate submitted that the representation of the petitioners will be considered in accordance with law.

8. In the light of the limited scope of the prayer sought for in the writ petition and the submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioners dated 04.06.2018 and pass

appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the parties, within a period of six weeks from the date of receipt of a copy of this order.

9. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Additional Chief Secretary,
Commissioner of Land Administration,
Ezhilagam,Chepauk,Cehnnai - 600 005.
2. The District Collector,
Erode District,Erode - 638 011.
3. The District Revenue Officer,
Erode - 638 011,Erode District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.50145
+1cc to the Government Pleader, S.R.No.51336

WP.No.18812 of 2018

MG(Co)
CS/31/08/18

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