

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.23741 of 2006

1.Tmt.Neelambal (Deceased)

2.Ponnudurai

3.Ethiraj

4.Lakshmi

(P2 to P4 are substitute as LRs of deceased
P1 Neelambal, as per order dated 06.12.2017
in MP.No.2 of 2013 in W.P.No.23741 of 2006.)

...Petitioners

Versus

1. State of Tamil Nadu

rep.by Secretary to Government,
Housing & Urban Development Department,
Madras - 600 009.

2. The Special Tahsildar,
(Land Acquisition),
Housing Scheme,
Gundu Salai, Semmandalam,
Cuddalore District.

3. The Executive Engineer & Administrative Officer,
Villupuram Housing Unit,
Tamil Nadu Housing Board,
Villupuram - 605 602.

(R3 impleaded as per order dated 19.11.2013
in MP.No.3 of 2013 in W.P.No.23741 of 2006)

सत्यमेव जयते... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents from proceeding further under Land Acquisition Act in respect of petitioner's land covered under Section 6 declaration issued in G.O.Ms.No.330, Housing and Urban Development, dated 08.03.1991 under which the lands of the petitioner comprised in Survey Nos.27/3A, 27/5 and 27/6 of Velisemandalam Village, Cuddalore.

For Petitioner : Mr.N.Ishtiaqahmed

For Respondents : Mr.K.Ravikumar

Additional Government Pleader for R1

Mr.S.Vanchinathan
for R2 and R3

O R D E R

The petitioner has come up with this writ petition seeking issuance of Writ of Mandamus, forbearing the respondents from proceeding further under Land Acquisition Act in respect of petitioner's land covered under Section 6 declaration issued in G.O.Ms.No.330, Housing and Urban Development Department, dated 08.03.1991 under which the lands of the petitioner comprised in Survey Nos.27/3A, 27/5 and 27/6 of Velisemandalam Village, Cuddalore.

2. Heard the learned counsel for the petitioner; the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3 and perused the materials available on record.

3. The case of the petitioner is that the petitioner is the owner of the lands comprised in Survey Nos.27/3A, 27/5 and 27/6 of Velisemandalam Village, Cuddalore District. On 12.1.1990, the first respondent issued a 4(1) notification and decided to acquire the petitioner's land for the provision of Housing Scheme. After conducting enquiry the 6th declaration was published in the Government Gazettee vide G.O.Ms.No.330, Housing and Urban Development Department, dated 08.03.1991. The said land acquisition proceedings were challenged before this Court in W.P.No.8641 of 1991 and this Court passed an interim stay of dispossession and subsequently on 01.02.1999 the said writ petition was dismissed. Thereafter, the petitioner made a representation dated 18.11.2002 to the second respondent seeking to furnish the award copy. As against the inaction of the second respondent in furnishing the award copy the petitioner has once again approached this Court by way of this writ petition with the above prayer.

4. Mr.N.Ishtiaqahmed, learned counsel for the petitioner would submit that after 6th declaration, the mandatory period for passing the award is two years, till date the said award was not passed. Accordingly, he prayed for allowing this petition.

5. Mr.K.Ravikumar, learned Additional Government Pleader appearing for the first respondent file a written statement addressed by the second respondent to the Special Government Pleader, the relevant portion of which reads as follows:

"During the time of Process the Ex-land owner Neelambal's legal hires approach the Hon'ble High Court vide WP 8641 of 1991 and obtained interim dispossession stay vide WMP 13144 of 1991. The writ

petition was dismissed on 01.02.1999. Even after the disposal of Writ Petition the LAO has not pronounce the award and not handed over the said lands to Housing Board.

As per Housing Board records it is found that the 0.8.00 Hectares of lands in Vellisemandalam Village of Cuddalore Taluk and District was not Handed over to Tamil Nadu Housing Board and No Compensation paid from Tamil Nadu Housing Board to the LAO."

6. In view of the categorical admission, since no award has been passed even after the 6th declaration, the prayer sought for in this writ petition is granted. The writ petition is accordingly allowed. However, there shall be no order as to costs.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Housing & Urban Development Department,
Madras - 600 009.
2. The Special Tahsildar,
(Land Acquisition),
Housing Scheme,
Gundu Salai, Semmandalam,
Cuddalore District.
3. The Executive Engineer & Administrative Officer,
Villupuram Housing Unit,
Tamil Nadu Housing Board,
Villupuram - 605 602.

+1 CC to Mr.N.Ishtiaqahmed, Advocate sr 35147.
+1 CC to Mr.S.Vanchinathan, Advocate sr 35204.
+1 CC to Govt. Pleader sr 35817

W.P.No.23741 of 2006

KJ(CO)
SP(19/06/2018)