

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.26662 of 2018
and W.M.P.No.31033 of 2018

R.Kavitha

... Petitioner

Versus

- 1.The Secretary,
Government of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The District Collector,
Collector's Office,
Thiruvallur.
- 3.The Special Duty Collector,
Land Acquisition Cell,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
- 4.The Tahsildar,
Ponneri Taluk Office,
Ponneri-601 204.
- 5.The Chairman,
Tamilnadu Slum Clearance Board,
Chepauk, Chennai-600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Declaration, declaring that the acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of the petitioner's lands of an area of 19 cents in Survey No.357/7A and 23 cents in Survey No.357/8 situated at Perumal Koil Street, Edaiyanchavadi Village, Ponneri Taluk, Tiruvallur District have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, permit the petitioner to retain possession of the said lands.

For Petitioner
For Respondents

: Mr.O.Padmaprakash
: Mr.M.Elumalai
Government Advocate
for R1 to R4
: Mr.S.Prabhu for R5

O R D E R

This Writ Petitioner has been filed for issuance of a Writ of Declaration, declaring that the acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of the petitioner's lands of an area of 19 cents in Survey No.357/7A and 23 cents in Survey No.357/8 situated at Perumal Koil Street, Edaiyanchavadi Village, Ponneri Taluk, Tiruvallur District have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and permit the petitioner to retain possession of the said lands.

2. The petitioner in the writ petition states that she purchased the property by a Registered Sale Deed dated 27.7.2015. In the entire affidavit filed in support of the writ petition, the petitioner has not given any detail about the acquisition that has been initiated and completed by any of the respondents. The petitioner presumed that the land has been acquired by the State Government under the Land Acquisition Act, 1894 and that the proceedings initiated by the State Government has lapsed in view of the Section 24(2) of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. When the petitioner seeks a declaration from this Court, it is expected that she must disclose the minimum particulars about the acquisition, the purpose of acquisition, the stage of acquisition and how the petitioner is aggrieved. Unless the acquisition particulars are given, this Court cannot decide as to how the requirements are satisfied to give relief to the petitioner under Section 24(2) of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Hence, for want of particulars, this Court is unable to entertain this writ petition. However, in case, the petitioner is able to get the particulars and satisfy this Court that the acquisition proceedings initiated in respect of the land purchased by her has lapsed, it is open to her to file a fresh writ petition.

4. The learned Counsel for the petitioner states that the respondents should come with the particulars and it is not for the petitioner to gather the particulars before coming to the Court.

5. This submission of the learned Counsel for the petitioner cannot be countenanced, in view of the position that the petitioner while invoking the extraordinary jurisdiction of this Court, should be in a position to furnish the Court, the minimum particulars required for issuing a writ. A writ petition without factual foundation is not maintainable. Unless records of particular proceeding is called for, it is impossible to grant relief.

6. With the above observation, the Writ Petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mpa/tsiTo

- 1.The Secretary,
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- 3.The Special Duty Collector,
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- 5.The Chairman,
Tamilnadu Slum Clearance Board,
Chepauk, Chennai-600 005.

+1cc to Mr.O.Padmaprakash, Advocate SR.NO.70974
+1cc to Mr.S.Prabhu, Advocate SR.NO.71297
+1cc to Government Pleader SR.NO.71472

AD(co)
sm:13.11.2018

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