



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.16634 of 2018

- 1.Krishna Rajan
- 2.Sreenarayana Balachandran
- 3.Saraswathy
- 4.Selva Sivalingam

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. by the Secretary,
Revenue Department,
St. Fort George, Chennai - 600 009.

2. The District Collector,
Kanyakumari District,
Nagercoil.

3. The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 1st respondent herein to reconvey the land comprised in Survey No.579/7 of Kanyakumari Village an extent of 20 Ares and Survey No.579/17 of Kanyakumari Village having an extent of 1 Are of land to the petitioners herein on the basis of petitioners' representation dated 13.12.2017 forthwith.

For Petitioners : Mr.N.S.Ramakrishna Dass
For Respondents : Mr.A.Thiyagarajan,
Government Advocate

ORDER

This writ petition has been filed by the petitioners seeking a Writ of Mandamus, directing the first respondent to reconvey the land comprised in Survey No.579/7 to an extent of 20 Ares and Survey No.579/17 to an extent of 1 Are of Kanyakumari Village (in short 'subject property') to the petitioners herein on the basis of their representation dated 13.12.2017 forthwith.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard the learned Counsel appearing on either side and



perused the materials placed before this Court.

3. According to the petitioners, the subject property originally belonged to one Narayana Vadivu Nadar, who is the paternal grandfather of the petitioners herein. After his demise, the subject property devolved upon his son, namely, Chidambara Nadar and he was in possession of the same. In the meantime, the third respondent, after following due procedures of law, has acquired the subject property for Railways Department and the petitioners' father, ie., the said Chidambara Nadar, who is no more, has also received compensation in Award No.7/77-78.

4. The grievance of the petitioners is that though the subject property was acquired for Railways Department, it was not utilized and was kept vacant. According to the petitioners, as per Section 48-B of the Land Acquisition (Tamil Nadu Amendment) Act, 1996, if the land is not used for the purpose, for which it was originally acquired, it can be transferred to the original owners who are willing to repay the amount paid to them, under the Land Acquisition Act. In this regard, the petitioners, being the legal heirs of the original owner, have made a representation as early as in the year 2014, followed by a latest representation, dated 13.12.2017. However, the authorities are yet to pass orders on the same and therefore, the petitioners are before this Court.

5. When the matter came up for hearing today, the learned counsel for the petitioners submitted that it would suffice if a direction is issued to the first respondent to dispose of the representation of the petitioners dated 13.12.2017, as per law, within a stipulated time limit.

6. Considering the facts and circumstances of the case and also the limited scope of the relief sought for, this Court, without going into the merits of the claim, directs the first respondent to consider the representation of the petitioners dated 13.12.2017 and after perusing all the material evidence, pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioners as well as all the other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Records)

/True Copy/



To

1. The Secretary,
Government of Tamil Nadu,
Revenue Department,
St. Fort George,
Chennai - 600 009.

2. The District Collector,
Kanyakumari District,
Nagercoil.

3. The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

+ 1 CC TO Mr.N.S.RAMAKRISHNA DASS, ADVOCATE IN SR No. 78551
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78507

GK

TE/RSK/SAR-2 : 06/09/2018 : 3P/6C

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