

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11634 of 2011

- 1.A.Rani
- 2.A.Amudha
- 3.R.Gandhimathi
- 4.R.Sundar
- 5.R.Anandhi
- 6.R.Kavitha
- 7.B.Leethiyal
- 8.B.Nirmala
- 9.R.Selvam
- 10.B.Ambika
- 11.B.Jesintha

...Petitioners

Vs.

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai-600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai-600 008.
- 3.The Special Deputy Collector,
Land Acquisition,
Chennai.
- 4.The Special Tahsildar,
Land Acquisition,
Egmore-Nungambakkam Taluk,
Chennai.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.04.2009 and re-convey the lands bearing Survey Nos.200/2 and 203/7 measuring to the extent of 35 cents and 3 cents respectively in the name of the petitioner and other legal heirs of Late. Arumugham name situate at Koyambedu Village, Egmore-Nungambakkam Taluk, Chennai District.

For Petitioner : Mr.Gopalakrishnan
For Respondents : Mr.M.Elumalai, GA

O R D E R

This petition has been filed for an issuance of writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.04.2009 and re-convey the lands bearing Survey Nos.200/2 and 203/7 measuring to the extent of 35 cents and 3 cents respectively in the name of the petitioner and other legal heirs of Late. Arumugham name situate at Koyambedu Village, Egmore-Nungambakkam Taluk, Chennai District.

2. The case of the petitioner is that the petitioner's father late Arumugam owned property bearing S.No.200/2 measuring to an extent of 35 cents and 03 cents in Survey No.203/7 at Koyambedu Village, Egmore-Nungambakkam Taluk, Chennai and in Survey No.203/7, a Well was situated along with the land in the 3 cents of land. The land was acquired by the Government for the purpose of construction of Koyambedu Commercial Complex. The said property was an ancestral property. The respondents have given compensation for the acquired land at the rate Rs.113/- per cent and subsequently it has been enhanced from Rs.113/- to Rs.500/- per cent. However, the compensation amount was not received by the petitioner's father, who died on 09.09.2008 leaving behind the petitioner, his brothers and their children as his legal heirs. During the lifetime of the said Arumugam, he has given a representation to the Hon'ble Chief Minister of Tamil Nadu with a request to pay more compensation or any other alternative land, however, the same was not considered. It is further stated that though the land was acquired for the purpose of construction of Koyambedu Commercial Complex, the lands were not used and still they are kept vacant. It is further stated that the Government issued a notification dated 20.09.2002 declaring to withdraw the acquisition of lands and if the acquired land is not used for the purpose, the land should be reconveyed to the original owners. Therefore, the petitioner has given a representation dated 16.04.2009 under Section 48B of the Act, to re-convey the lands bearing Survey Nos.200/2 and 203/7 measuring to an extent of 35 cents and 3 cents. Though no orders have been passed in the representation dated 16.04.2009, the petitioner has no other option except to file the present writ petition seeking for a Writ of Mandamus.

3.Considering the facts and circumstances of the case, since the Land Acquisition Act, 1894 itself has been repealed by introducing the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, such provision is no longer in existence.

4. So, in view of repealing Act, such provision is no longer in existence. Hence, this Writ petition is liable to be dismissed. Accordingly, the Writ Petition stands dismissed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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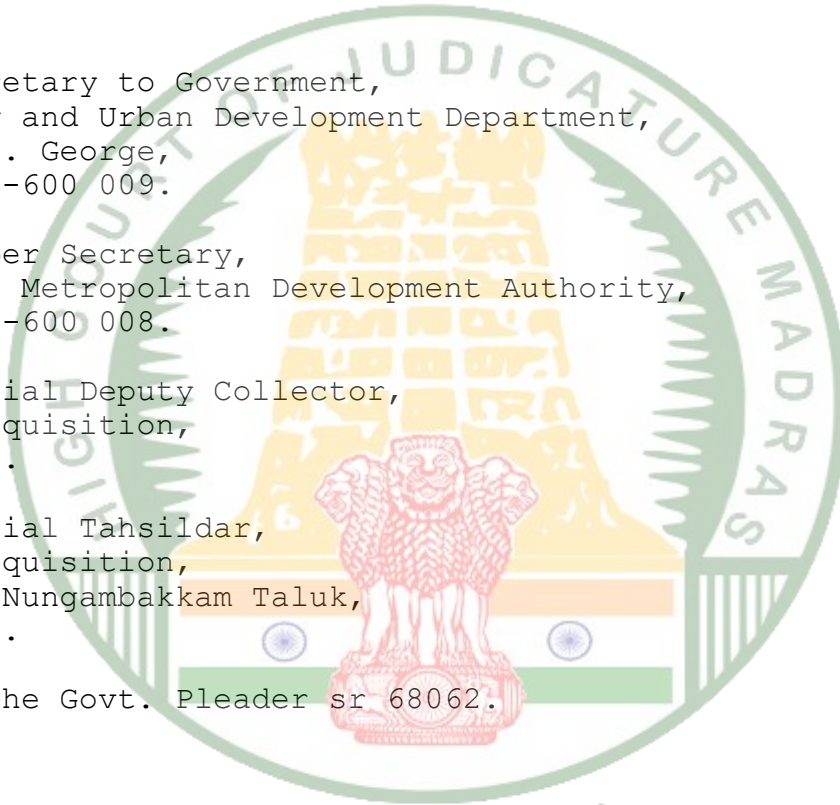
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Chennai.

+1 CC to The Govt. Pleader sr 68062.



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GP(CO)

SP(13/09/2019)

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