

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.41217 of 2006

V.Saroja

...Petitioner

Vs.

1.Government of Tamil Nadu
rep. by its Secretary
Development Department
Fort St. George
Chennai 600 009

2.The Special Tahsildar
Land Acquisition (Neighbourhood Scheme)
Salem

3.The Chairman and Managing Director
Tamil Nadu Housing Board
Chennai 600 035

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for records of the first respondent relating to his letter No.5003/LA4(2) 2001-6 dated 01.02.2006, quash the same in respect of the petitioner's land measuring 0.16 acres (6996 sq. ft) in Survey No.195/3, Alagapuram Pudur Village, Salem Taluk, Salem District and to direct the respondent to exclude the said lands from the Acquisition proceedings or to recovery the same to the petitioner under Section 48(B) of the Land Acquisition Act, 1898.

For Petitioner : Mr.P.Jagadeesan

For Respondents : Mr.M.Elumalai
Government Advocate for R1 & R2

O R D E R

The Writ petition has been filed by the petitioner, to issue a writ of Certiorarified Mandamus, to call for records of the first respondent relating to his letter No.5003/LA4(2) 2001-6 dated 01.02.2006, quash the same in respect of the petitioner's land measuring 0.16 acres (6996 sq. ft) in Survey No.195/3, Alagapuram Pudur Village, Salem Taluk, Salem District

and to direct the respondent to exclude the said lands from the Acquisition proceedings or to recovery the same to the petitioner under Section 48(B) of the Land Acquisition Act, 1898.

2.It appears that during the pendency of the acquisition proceedings and after issuance of the 4(1) Notification, the petitioner purchased the property from the original owner. After passing the declaration under Section 6 of the Act, the petitioner made a representation to the respondents for re-conveying the land under Section 48(B) of the Land Acquisition Act, 1898. The said representation was rejected by the respondents, against which, the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that till date the possession of the land is with the petitioner and the same has not been taken by the Land Acquisition Officer.

4.In view of the interim stay passed by this Court on 22.03.2007 and the same was made absolute on 04.06.2007 and now it appears that Old Central Act was repealed including the amended permission of the State Act under Section 24 of the Right to Fair Compensation Act, the provision for re-conveying the land no longer exists. Once the land is vested with the Government, the petitioner has no right to claim the land as matter of right.

5.Accordingly, this writ petition is disposed of. The petitioner is at liberty to work out the remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition if any is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To.

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+1cc to Mr.P.Jagadeesan, Advocate SR.No.46719

+1cc to Government Pleader SR.No.48023

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AD(CO)
GMY(02/07/2019)



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