

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.22771 of 2004

- 1.Murugamal
- 2.Mariammal
- 3.Annammal
- 4.Egathal
- 5.Saradha

... Petitioners

-Vs-

1. State Rep. by its Secretary to Government, Housing and Urban Development Department, Fort St. George, Madras - 9.
2. The District Surveyor, Collectorate, Tiruvallur, Tiruvallur District.
3. The Managing Director, Tamil Nadu Housing Board, Nandanam, Anna Salai, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records of the 1st respondent in his proceedings Letter No.9932/LA1(1)/2002-2, dated 17.06.2002 and quash the same consequently direct the 1st respondent to reconvey the land in S.No.233/2 to the extent of 0.21 cents situated in Nolambur Village, Ambattur Taluk, Tiruvallur District.

For Petitioner : Mr.C.Prakasam

For Respondents: Mrs.K.Bhuvaneswari

Additional Government Pleader for
R1 to R2

Mr.R.Bharath Kumar, standing
counsel for TNHB for R3

ORDER

The grievance of the petitioner is that though his lands covered under Award No.5/85 dated 30.12.1985 comprised in Survey No.233/2 measuring to an extent of 0.21 cents in Nolambur Village, Ambattur Taluk were already acquired, the purpose for which the lands were acquired has not been utilised till date. Hence, he made a request under Section 48-B of the Land Acquisition Act, seeking for release of the lands in their favour.

2. The third respondent by an order dated 17.06.2002 had informed the petitioner that the petitioner's land has been utilised for the purpose for which the lands were acquired and as such the release of the land is not feasible.

3. The learned counsel for the petitioner submitted that though the impugned order states that the petitioner's land have been utilised, the fact remains that the lands are not utilised.

4. I am unable to find any reason to doubt the statement made in the impugned order that the lands have been utilised. Since the respondents have come out with the specific submission that the lands have been utilised for the purpose of providing house sites for Tamil Nadu Housing Board, it is not appropriate to direct the respondents to release the lands.

5. The impugned order has been passed in the year 2002 and 17 years have almost been lapsed. If the petitioner is still of the view that the lands have not been utilised, liberty is hereby granted to the petitioner to make a representation before appropriate authority seeking for release of the lands. On receipt of such representation, the concerned authority shall pass appropriate orders on merits, as expeditiously as possible. It is made clear that this Court has not expressed any of its view with regard to utilisation or non utilisation of the acquired lands. As such, no interference is required in the order dated 17.06.2002 passed by the first respondent herein and hence, the writ petition stands closed.

7. In fine, the writ petition is closed with the above liberty. No costs.
mp

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

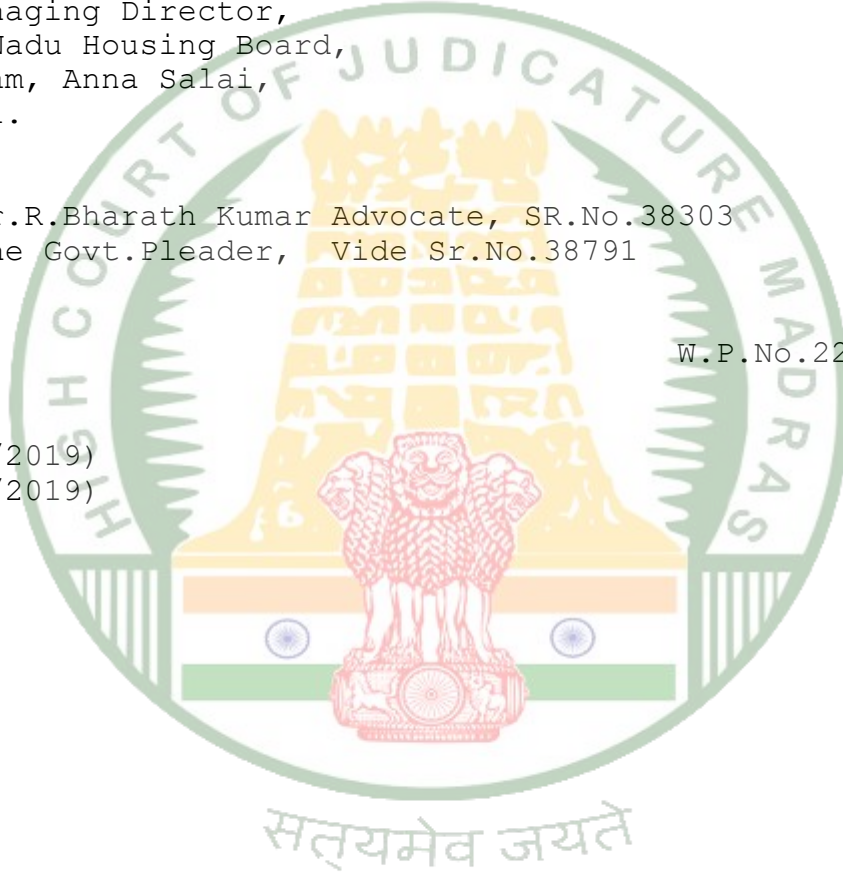
To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Madras - 9.
2. The District Surveyor,
Collectorate, Tiruvallur,
Tiruvallur District.
3. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai.

+1cc to Mr.R.Bharath Kumar Advocate, SR.No.38303
+1cc to the Govt.Pleader, Vide Sr.No.38791

W.P.No.22771 of 2004

AD(CO)
Kak(08/07/2019)
Kak(26/07/2019)



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