

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 7797 of 2009
and
M.P. 1 of 2009

N.Ramanlal and Brothers,
rep. by its Partner,
R.Magghanlal Jhaver
No.147, Mint Street,
Sowcarpet,
Chennai-600 079. Petitioner

Vs

1. The State of Tamil Nadu,
rep. by Secretary to Government,
Housing and Urban Development
Department,
Fort St. George,
Chennai-600 009.
2. Chennai Metropolitan Development
Authority (CMDA),
rep. by the Member Secretary,
Egmore,
Chennai-600 008.
3. The Competent Authority,
Special District Revenue Officer (L.A.),
National Highways,
Kanchipuram & Tiruvellore District,
at Kancheepuram. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in their Letter No.34982 UD 3(1) 06-2, dated 23.05.2007 rejecting the petitioner's request for reconveyance invoking powers under Section 48-B of the Land Acquisition Act, in respect of lands of an extent of 24 cents (0-10-0 ares) in S.No.801/1A, Madhavaram Village, Saidapet Taluk, acquired from the petitioner and quash the same, and direct the 1st respondent to re-transfer the said land to the petitioner and direct the respondents 2 and 3 to pay

the compensation amount relating to the acquisition of petitioner's 35 cents of land (0-14-0 ares) in S.No.801/1-B, Madhavaram Village, Saidapet Taluk to the petitioner.
(Prayer amended as per order dated 2.04.2015 in MP No.2 of 2009 in WP No.7797 of 2009)

For Petitioner : Mr.S.Krishnaram Davey

For Respondents : Mr.J.Ramesh,
Addl. Govt. Pleader for R1

Ms. P.Veena Suresh for R2

Mr.M.Elumalai,
Govt. Advocate for R3

O R D E R

This Writ Petition has been filed challenging the impugned order of the 1st respondent in their Letter No.34982 UD 3(1) 06-2, dated 23.05.2007 rejecting the petitioner's request for reconveyance invoking powers under Section 48-B of the Land Acquisition Act, in respect of lands of an extent of 24 cents (0-10-0 ares) in S.No.801/1A, Madhavaram Village, Saidapet Taluk, acquired from the petitioner and quash the same, and direct the 1st respondent to re-transfer the said land to the petitioner and direct the respondents 2 and 3 to pay the compensation amount relating to the acquisition of petitioner's 35 cents of land (0-14-0 ares) in S.No.801/1-B, Madhavaram Village, Saidapet Taluk to the petitioner.

2. The learned counsel appearing for the petitioner would submit that though the Act was repealed in the year 2013 by Repealing the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013, Act 30 of 2013, the provision under Sec.48-B is no longer existence in the present Act. Hence, it would be sufficient to issue a direction directing the respondents to pay compensation in respect of 59 cents and the petitioner may be permitted to give a fresh representation to the authorities for payment of compensation for the lands, which was acquired by the acquisition authorities. In pursuant to the acquisition, the compensation amount was not paid to the petitioner.

3. The learned Government Pleader appearing for the 3rd respondent would submit that the above issue was settled by the Hon'ble Supreme Court in the case of Keeravani Ammal and others Vs. Tamil Nadu Housing Board, reported in (2007) 2 CTC 447. Hence, he prayed to pass appropriate orders.

4. In view of the above settled decision, I am not inclined to interfere with the order passed by the 1st respondent. However, the liberty is granted to the petitioner to submit a

fresh representation to the respondents within a period of two weeks from the date of receipt of the copy of this order. If any representation is filed, the respondents are directed to consider the petitioner's representation and to pass appropriate orders within a period of eight weeks. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development
Department,
Fort St. George,
Chennai-600 009.
2. The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Egmore,
Chennai-600 008.
3. The Competent Authority,
Special District Revenue Officer (L.A.),
National Highways,
Kanchipuram & Tiruvellore District,
at Kancheepuram.

+1cc to Mr.P.Veena Suresh, Advocate SR.No.64527

+1cc to Mr.K.V.Ananthakrushnan, Advocate SR.No.64396

+2cc to Government Pleader SR.No.65038, 64665

W.P. 7797 of 2009
and
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SS (CO)
GMY (26/08/2019)