



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.06.2019

CORAM
THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 8779 of 2009
and
M.P. 2 of 2009

K.M.Patel

... Petitioner

Vs

1. The Government of Tamil Nadu,
rep. by its Secretary,
Housing and Urban Development
Department,
Fort St. George,
Chennai-600 009.

2. The Chennai Metropolitan Development
Authority,
rep. by its Member Secretary,
Thalamuthu Natarajan Buildings,
Egmore, Chennai-8.

3. The Special Tahsildar (Land
Acquisition-III),
CMDA Authority,
Guindy, Chennai-32.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, by quashing the letter No.M1/9262/2005, dated 16.02.2006 of the 2nd respondent and directing the respondents to consider and pass orders on the representation of the petitioner dated 23.03.2006 by reconveying of the lands in S.No.826 and 829/2 in No.34, Madhavaram Village, Ambattur Taluk, Tiruvallur District admeasuring 0.38.6 cents out of 5.06 acres of land not utilised so far for the purpose, for which it was acquired about 22 years ago and not needed for any other scheme.

For Petitioner : Mr.Arun Sabari

For Respondents : Mr.J.Ramesh,
Addl. Government Pleader



O R D E R

This Writ Petition has been filed challenging the impugned order of 2nd respondent and directing the respondents to consider and pass orders on the representation of the petitioner dated 23.03.2006 by reconveying the lands in S.No.826 and 829/2 in No.34, Madhavaram Village, Ambattur Taluk, Tiruvallur District.

2. Mr. Arun Sabari, learned counsel appearing for the petitioner would submit that the petitioner has filed the Writ Petition challenging the rejection of reconveyance passed by the 2nd respondent under Sec.48-B of the Tamil Nadu Amendment Act. However, the said Act itself repealed without saving Sec.48(b) of the Act, till date, the Government of Tamil Nadu has not amended the Act. Hence, nothing survives for further adjudication in this Writ Petition and prayed to dismiss the Writ Petition with a liberty to work out the petitioner's remedy before the appropriate forum.

3. In view of the submission made by the learned Counsel appearing for the Petitioner stating that nothing survives for further adjudication in this Writ Petition, the present Writ Petition stands dismissed. However, the liberty is granted to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development
Department,
Fort St. George,
Chennai-600 009.
2. The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Buildings,
Egmore, Chennai-8.



3. The Special Tahsildar (Land
Acquisition-III),
CMDA Authority,
Guindy,
Chennai-32.

+1cc to Mr.K.R.Arun Sabari, Advocate, S.R.No.54197
+1cc to the Government Pleader, S.R.No.54487
+1cc to the Government Pleader, S.R.No.54490

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BP (CO)

RRS (22/08/2019)