

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31155 of 2005

And

W.P.M.P.No.521 of 2010

Mrs.Haripriya Murali

... Petitioner

Vs

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

2.Special Thasildar,
(Land Acquisition),
Unit II, Tamil Nadu Housing Board Schemes,
Nandhanam,
Chennai-600 035.

***3. Tamil Nadu Housing Board**

**Rep by its Executive Engineer and Administrative Officer
Mogappair Division, Tamil Nadu Housing Board
Chennai 600 101.**

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the respondents in Notification issued under Section 4(1) of the Land Acquisition Act and published in Thiruvallur District Gazette dated 20.9.2002 and Section 6 dated 14.10.2003 wherein the respondent has acquired the petitioner's property situated in S.No.20/1 and 20/3, No.84, Perumal Agaram Village, Ambattur Taluk, Thiruvallur District and quash the same.

For Petitioner : Mr.G.Vijay Anand

For Respondents-1&2 : Mr.M.Elulmalai
Government Advocate for R1

For Respondent-3 : Mr.B.Viveka Vanan

O R D E R

The Notification issued under Section 4(1) of the Land Acquisition Act and published in Thiruvallur District Gazette dated 20.9.2002 and Section 6 Declaration published in Tamil Nadu Government Gazette dated 14.10.2003, wherein the respondents have acquired the writ petitioner's property situated in S.No.20/1 and 20/3, No.84, Perumal Agaram Village, Ambattur Taluk, Thiruvallur District is sought to be quashed.

2. The learned counsel for the writ petitioner states that the ingredients of Section 4(1) of the Land Acquisition Act, has not been followed by the respondents, while undertaking the process of acquisition proceedings. It is further stated that the writ petitioner had obtained a Planning Permit for construction of a house from the Local Authority in the year 2003 and on account of the acquisition proceedings, the writ petitioner is unable to construct a house in that locality.

3. The ground raised is that the 4(1) Notification is vitiated on the ground that the same had not been published both in English and Tamil Dailies having wide circulation in that locality.

4. The paper publication was made only in the Tamil Dailies, namely, Dr.Namathu MGR and Makkal Kural on 15.9.2002 and the said newspapers have no wide circulation in that locality.

5. Raising these grounds, the learned counsel for the writ petitioner states that the case of the writ petitioner is to be considered for quashing of the Notification issued under Sections 4(1) and 6 of the Land Acquisition Act.

6. The learned Government Advocate, appearing on behalf of the respondents 1 and 2, brought to the notice of this Court that the very same writ petitioner Mrs.Haripriya Murali earlier filed WP No.19620 of 2017 and this Court passed an order on 28.2.2018, the relevant paragraph-6, which reads as under:-

"6. Accordingly, this Writ Petition is disposed of with a direction to the petitioner to file a fresh representation to the Government under Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) within four weeks from the date of receipt of a copy of this order and the same shall be disposed of on its own merit and without reference to pending

of W.P.No.31155 of 2005, within four months thereafter, after affording all reasonable opportunities to the petitioner to put forward her case. The Government may also consider the order passed by this Court in W.P.No.31155 of 2005 dated 16.11.2009 in deciding the issue to be raised by the petitioner. No costs."

7. Pursuant to the orders passed by this Court, the Government considered the grievances of the writ petitioner and passed an order in letter dated 22.10.2018, rejecting the claim of the writ petitioner for re-conveyance or to drop the acquisition proceedings. Thus, the matter reached the finality and the acquisition proceedings were concluded and the amount of compensation had already been deposited before the competent Civil Court on 21.11.2007 itself.

8. Thus, now after a lapse of 11 years, the acquisition already completed cannot be reopened and the claim of the writ petitioner had already been rejected by the Government in this regard. The writ petitioner is unnecessarily filing number of writ petitions in order to prolong the issue without any basis.

9. This apart, challenging the said Government Order of rejection dated 22.10.2018, another writ petition has been filed in WP No.23072 of 2018. Apart from these factors, the learned counsel, appearing on behalf of the Housing Board, also brought to the notice of this Court that the very same Notification was challenged and this Court dismissed the writ petition, which was confirmed by the Hon'ble Division Bench of this Court in WA No.1046 of 2007 on 22.1.2010.

10. When the entire acquisition proceedings were upheld by the Hon'ble Division Bench of this Court, the writ petitioner cannot maintain a writ petition and the writ petitioner filed petition after petition without any basis.

11. The fact remains that the acquisition proceedings were concluded during the year 2007 itself and the amount of compensation was deposited during the year 2007. The acquired property was transferred to the Tamil Nadu ****Housing Board** for the purpose of development and under these circumstances, the writ petitioner has not made out any acceptable ground for the purpose of grant of relief, as such, sought for in the present writ petition and even the case of the writ petitioner was subsequently considered by the Government and rejected the claim in proceedings dated 22.10.2018, pursuant to the directions issued by this Court on 28.2.2018 in WP No.19620 of 2010.

12. In this view of the matter, the writ petitioner has not made out any acceptable grounds for the purpose of grant of relief, as such, sought for in the present writ petition and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VIII)
Dated: 12.02.2019

***Impleaded as per order
dated 06.03.2019 made in
W.P.M.P.No.521 of 2010
in W.P.31155/2005 listed
under the caption
for Being Mentioned" on 06.03.2019.**

**** Amended as per order dated 06.03.2019
made in W.P.31155/2005 listed under the caption
For Being Mentioned on 06.03.2019.
sd/- Assistant Registrar (CS VIII)
Dated: 25.03.2019**

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Secretary,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai-600 009.
- 2.Special Thasildar,
(Land Acquisition),
Unit II, Tamil Nadu Housing Board Schemes,
Nandhanam,
Chennai-600 035.
3. Tamil Nadu Housing Board
Rep by its Executive Engineer and Administrative Officer
Mogappair Division, Tamil Nadu Housing Board
Chennai 600 101.

+1cc to Mr.G.Vijay Anand, Advocate, S.R.No. 3450
+1cc to Mr.B.Vivekavanana, Advocate, S.R.No. 2619
+1cc to the Government Pleader, S.R.No. 3250, 2754

W.P.No.31155 of 2005

VSN II (CO)
GN (14/02/2019)
SP (28/03/2019)