

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2019

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI, J.

W.P.No.40192 of 2005

and

W.M.P.Nos.10554 and 10555 of 2018

and WPMP.No.43105 of 2005

1. Narayanappa (deceased)
2. Krishnappa
3. Lakshamma
4. Venkataswamy
5. Annaiah
6. Venkatesalu

Represented by their power of attorney
agents Mr.P.Dhanush Koti son of D.Parthsarathy
& N.S. Balaraman son of N.K.Subramani
both residing at present at No.102, 10th Main,
III Stage, 1st Block, West of Chord Road,
Manjunath Nagar, Bangalore-560 010.

P5 and P6 are substituted as LR's of Deceased P1, Narayanappa, as
per order dated 5.07.2018 by MKKSJ in WMP.No.19642/18 in
W.P.No.40192 of 2005

...Petitioners

Vs

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

2. The Special Thasildar,
Land Acquisition, Housing Scheme,
Hosur,
Krishnagiri District-635 109
3. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai- 600 035.

4. Pradeep Narayan

R4 is impleaded as per Order dated 15.04.2016 by T.S.S.,J. in WMP.No.11768 of 2016 in W.P.No.40192/2005.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus or any other writ calling for records in Na.Ka.No.1292 of 1990, Award No.1 of 2002 dated 29.11.2002 passed by the second respondent, quash the said proceedings, directing the respondents to restore possession of the properties in Survey Nos. 788, 789, 791/1, 791/3, 791/4, 799/1, 792 & 800/2, in Chennathur Village, Hosur Taluk, Krishnagiri District.

For Petitioners : Mr. S. Udayakumar

For Respondents : Mr. M.Elumalai,
Government Advocate for R1 and R2
Dr. R. Gauri for R3
Mr. V. Manohar for R4

ORDER

Writ Petition is filed to call for the records in Na.Ka.No.1292 of 1990, Award No.1 of 2002 dated 29.11.2002 passed by the second respondent, quash the said proceedings, directing the respondents to restore possession of the properties in Survey Nos. 788, 789, 791/1, 791/3, 791/4, 799/1, 792 & 800/2, in Chennathur Village, Hosur Taluk, Krishnagiri District.prayer

2. The Learned counsel for the petitioner submitted that the matter relates to challenging the Award passed by the incompetent authority and further the Act was repealed and new Act came into force in the year 2013. Hence, Nothing survives for further adjudication, accordingly, Writ Petition may be closed. However, liberty is granted to the petitioner to pursue his remedy in the Writ Petition already filed by him in W.P.No.27444 of 2018. The petitioner is also granted liberty to canvas all those grounds in the earlier Writ Petition which was filed under section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 including compensation.

3. In view of the above, Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrn

To,

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

2. The Special Thasildar,
Land Acquisition, Housing Scheme,
Hosur,
Krishnagiri District-635 109

3. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai- 600 035.

+1cc to M.S.B.Viswanathan, Advocate sr.54116
+1cc to Mr. S. Udayakumar, Advocate sr.53934
+1cc to Dr.R.Gouri, Advocate sr.53929
+1cc to Government Pleader sr.54904

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nr 04/07/2019