

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30337 of 2011
and M.P.No.2 of 2011

1.K.M.D.Paneerselvam
2.K.M.D.Muthukumar
3.D.Krishnaraj
4.K.M.D.Harikrishnamurthy
5.J.V.M.Shanmugavadivu
6.P.Sakthimaheswari ...Petitioners

vs.

1.The State of Tamil Nadu,
rep. by Secretary to Government,
Social Welfare Department,
Fort St. George, Chennai - 600 009.
2.The District Collector,
Tiruppur District,
Tiruppur.
3.The Special Tahsildar (A.D.W.)
Gangeyam,
Tiruppur District. ...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Certiorarified Mandamus, call for the records relating to the impugned letter No.13643/LA2(1)/2009-13, dated 18.08.2011 issued by the 1st respondent, quash the same and direct the respondents to release the lands measuring 1.91 acres comprised in S.Nos.179/3B and 181/2B, A.K.Puthur Village, Udumalpet Taluk, Tiruppur District to the petitioners under Section 48B of the Land Acquisition Act.

For Petitioners : Mr.P.Mani
For Respondents : Mr.M.Elumalai
Government Advocate

ORDER

The writ petition has been filed by the petitioners to quash the impugned letter No.13643/LA2(1)/2009-13, dated 18.08.2011 issued by the first respondent and direct the respondents to release the lands measuring 1.91 acres comprised in S.Nos.179/3B and 181/2B, A.K.Puthur Village, Udumalpet Taluk, Tiruppur District to the petitioners under Section 48B of the Land Acquisition Act.

2.The case of the petitioners is that the petitioners filed the writ petition challenging the land acquisition process completed 26 years ago and the compensation amount was received by the mothers of the petitioners under protest for the purpose of releasing the lands measuring 1.91 acres comprised in S.Nos.179/3B and 181/2B, A.K.Puthur Village, Udumalpet Taluk, Tiruppur District. The petitioners filed writ petition in W.P.No.12322 of 2009 before this Court. This Court by its order dated 07.07.2009, directed the petitioner to submit a detailed representation to the first respondent Government and directed the Government to consider and pass appropriate orders on merits and in accordance with law, in compliance with the order of this Court, the Government rejected the representation by the impugned order dated 18.08.2011. Hence, the present writ petition has been filed.

3.The learned counsel appearing for the petitioners would submit that the reasons assigned in the impugned order is unsustainable one. Hence, he prayed for allowing this writ petition.

4.The learned Government Advocate appearing for the respondents would submit that as per direction of this Court in W.P.No.12322 of 2009, the present impugned order was passed on the ground that the compensation amount has already been paid in favour of the petitioners and also free house site patta were also issued in favour of the beneficiaries. Hence, the petitioners request for releasing of lands under Section 48B of Land Acquisition cannot be considered and the same is illegally unsustainable one.

5.Considering the facts and circumstances, the petitioners lands measuring 1.91 acres comprised in S.Nos.179/3B and 181/2B, in A.K.Puthur Village, Udumalpet Taluk, Tiruppur District. The compensation amount has already been paid in favour of the petitioners and also free house site patta were also issued in favour of the beneficiaries. Further, there is no provision for consideration 48B of the Land Acquisition Act, as on date the Act is repealed in the year 2013 itself and 48B is no longer exist.

6.With the above observation, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy//

Sub Assistant Registrar

pam

To

1.The Secretary to Government,
Social Welfare Department,
Fort St. George, Chennai - 600 009.

2.The District Collector,
Tiruppur District,
Tiruppur.

3.The Special Tahsildar (A.D.W.)
Gangayam,
Tiruppur District.

+1cc to Mr.P.Mani, Advocate, SR.No.96303.
+1cc to Government Pleader, SR.No.97059.

W.P.No.30337 of 2011

VD (CO)
CSR(06/01/2020)

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