

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9919 of 2014

1.P.Meenakshisundaram
2.Tmt.M.Mani

... Petitioner

Vs.

1. State of Tamil Nadu, rep. by its
Secretary to Government,
Housing & Urban Development Department,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
3. The Assistant Executive Engineer,
Tamil Nadu Housing Board,
Soorampatti Nalu Road,
Erode,
Erode District.

... Respondents

PRAYER :

Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS, directing the respondents to re-convey the Plot Nos.A.51 and A.52 in Survey No.742/7A, Subramania Nagar, Kasipalayam Panchayat, Rangampalayam Village, Erode Taluk and District to the petitioners.

For Petitioner : Mr.P.Ganesan
For R1 : Mr.B.Anand
Government Advocate
For R2 & R3 : Mr.I.Satish for TNHB

O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS, directing the respondents to re-convey the Plot Nos.A.51 and A.52 in Survey No.742/7A, Subramania Nagar,

Kasipalayam Panchayat, Rangampalayam Village, Erode Taluk and District to the petitioners.

2. According to the petitioners, the respondent Board has acquired the above said land for the purpose of housing unit, they must be implemented the same. However, they have not taken possession for developing housing plots. Because of the fact that they have not taken possession, number of persons sold the plots and number of persons have developed the houses. Therefore, there is no scope for developing the housing plot by the Housing Board. As far as the petitioners are concerned, they have not received any award amount and their plot is lying vacant. If the vacant plots are re-conveyed to the petitioners, no prejudice would be caused to anyone. Hence, they filed the present writ petition before this Court.

3. Counter affidavit has been filed on behalf of the second and third respondents, wherein it has been stated that the said land is required to the respondent Board for the purpose of future development. The writ petitioners are not notified or interest persons in the aforesaid acquired land. Further, it is submitted that the petitioner approached the Government to release their land from acquisition proceedings and the Government rejected the petitioners request for exclusion of land from acquisition on 16.10.2006. According to the respondent Board, the compensation amount payable to these lands are already deposited under Section 30 of the Land Acquisition Act as soon in the award No.6/94, dated 10.06.1994.

4. On perusal of the above said counter affidavit, it is seen that the contention of the petitioners are incorrect. The compensation amount also deposited under Section 30 of the Land Acquisition Act and so the petitioners allegation that the acquisition proceedings is lapsed does not arise. Therefore, the prayer in the writ petition cannot be granted and the same is liable to be rejected.

5. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

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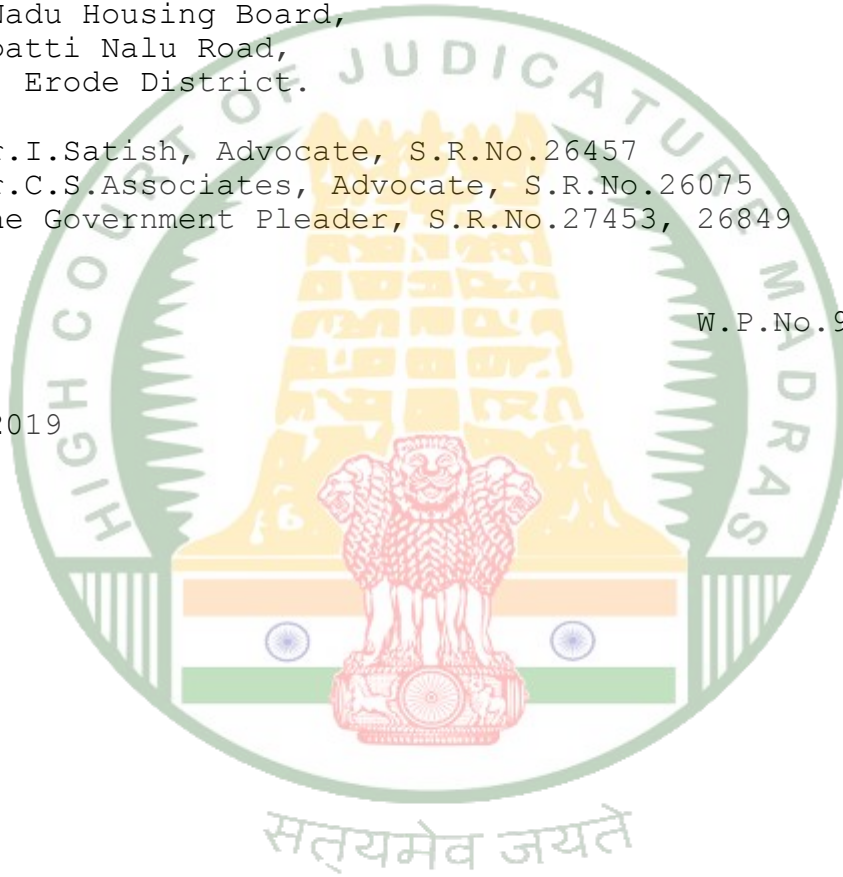
To

1. Secretary to Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
3. The Assistant Executive Engineer,
Tamil Nadu Housing Board,
Soorampatti Nalu Road,
Erode, Erode District.

+lcc to Mr.I.Satish, Advocate, S.R.No.26457
+lcc to Mr.C.S.Associates, Advocate, S.R.No.26075
+lcc to the Government Pleader, S.R.No.27453, 26849

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PPA(CO)
CS/26/06/2019



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