



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) No. 6431 of 2015

WEB COPY

D.Kabilan

... Petitioner

Vs.

1. The Secretary to Government of TamilNadu
Highways Department,
St. George Fort,
Chennai-600009.

2. The Special Commissioner and Commissioner
for Land Administration,
Ezhilagam, Chepauk,
Chennai-600005.

3. The Land Acquisition Officer/Asst. Collector cum
Revenue Divisional Officer,
Tuticorin.

4. The Divisional Engineer, (National Highways),
Construction and Maintenance,
Ettayapuram Road, Tuticorin.

5. The Deputy General Manager (Tech) and
Project Director,
National Highways Authority of India,
Project Implementation Unit,
2/273, 1st Floor,
PSP Nagar second street,
Korampallam,
Thoothukudi.

... Respondents

(R5 cause title amended vide
Court order dated. 06.03.2019
in WMP (MD) NO. 3760/19 IN
WP (MD) NO. 6431/2015)

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to forfeit the lands in S.No.446/1A2B1B measuring an extent of 0.67.5 hectare and the landed property comprised in S.No.446/1B2A2 measuring an extent of 0.10.5 Hectare (Now clubbed and forming part of S.No.446/1A1A) of Meelavittan Part-II Village, Tuticorin Taluk, Tuticorin District as penalty from the respondents 4 and 5 under Section 16B of the Land Acquisition Act, 1894 and to recovery the above lands to the petitioner after receiving the award amount along with simple interest at the rate of 6% per annum as per Section 48 B of the Act from the petitioner which is in consonance with the Right and Entitlement of the petitioner/Legal Heirs of the Original Owner as provided in Section



101 of the New Act (The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resttlement Act) 2013.

For Petitioner :Mr.S.P.Maharajan

For R1 to R4 :Mr.M.Rajarajan

Government Advocate

For R5

:Mr.C.Arul Vadivel @ Sekar

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ORDER

The instant writ petition has been filed for a mandamus to direct the respondents 1 to 3 to forfeit the lands in Survey No.446/1A2B1B measuring an extent of 0.67.5 hectares and the landed property comprised in Survey No.446/1B2A2 measuring an extent of 0.10.5 hectare (Now clubbed and forming part of Survey No.446/1A1A of Meelavittan Part-II Village, Tuticorin Taluk, Tuticorin District as penalty from the respondents 4 and 5 under Section 16-B of the Land Acquisition Act, 1894 and to reconvey the above lands to the petitioner after receiving the award amount along with simple interest at the rate of 6% per annum as per Section 48-B of the Act, 1894, from the petitioner which is in *Pari Materia* with the Right and Entitlement of the petitioner/legal heirs of the original owner under Section 101 of the New Act (The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resttlement Act) 2013.

2.It is the case of the petitioner that even though the third respondent had acquired the lands belonging to the petitioner as early as in the year 1993, till date they have not utilized the same for the purpose of acquisition.

3.Under these circumstances, the petitioner has sought for reconveyance of the aforesaid lands in his favour. In such circumstances, the instant writ petition has been filed.

4.Heard Mr.S.P.Maharajan, learned counsel appearing for the writ petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents 1 to 4 and Mr.C.Arul Vadivel @ Sekar, learned counsel appearing for R5.

5.Even though a larger relief has been sought for in this writ petition, the learned counsel appearing for the writ petitioner, on instructions, submits that he would be satisfied, if the petitioner's representation dated 20.11.2014 for re-conveyance of the aforesaid lands in his favour, is considered by the respondents in accordance with law after giving sufficient opportunity to the petitioner to place all submissions available to him under law for reconveyance of the lands in his favour.

6.This Court is inclined to grant the request made by the learned counsel for the petitioner as even if such an order is passed, it would be an innocuous order not affecting the interest of any of the parties to this dispute. The land acquisition statutes also provides for reconveyance of the acquired lands in case of non-



usage for the desired public purpose. But whether the petitioner has satisfied the statutory requirements or not. It is for the authorities concerned who will have to decide.

7. In the result, the respondents are directed to consider the representation dated 20.11.2014 submitted by the petitioner for reconveyance of the lands, in accordance with law after giving sufficient opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-)

To

1. The Secretary to Government of TamilNadu
Highways Department,
St. George Fort,
Chennai-600009.

2. The Special Commissioner and Commissioner
for Land Administration,
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Project Director,
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Project Implementation Unit,
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PSP Nagar second street,
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Thoothukudi.

+1cc to Mr. S.P. Maharajan, Advocate, SR.No.52019

+1cc to Mr. C.Arul Vadivel @ Sekar, Advocate, SR.No.52018

+1cc to Special Government Pleader, SR.No.52220