

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.6558 of 2020

E. Vivekanandan

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Industries Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2.The District Collector,
Tirupur District,
Tirupur.

3.The Thasildar (Land Acquisition),
Tirupur, Tirupur District.

4.The Deputy Director,
Employees State Insurance Corporation,
1897, Trichy Road,
Panchdeep Bhavan, Ramanathapuram,
Coimbatore - 641 045.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents herein to forthwith consider the representation of the petitioner dated 15.11.2019, in seeking to return / reconvey the lands measuring an extent of 1.74 acres in Survey No.196/1B, Semmipalayam Village, Palladam Taluk, Coimbatore District (now Tirupur District), to the legal heirs of late Eswaramoorthy Gounder, as per Section 14 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Act, 2015.

For Petitioner : Mr. G. Arul Murugan

For Respondents : Mr. D. Raja, for R1 to R3

Additional Government Pleader

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the

representation made by the petitioner on 15.11.2019 seeking for re-conveyance of the land which was acquired earlier through a notification issued in the year 1987.

2. The case of the petitioner is that his father was the absolute owner of the property and land acquisition proceedings were initiated under the Old Act and 4 (1) notification was issued on 10.02.1987. According to the petitioner, the lands were acquired for public purpose for the construction of the Employees State Insurance Dispensary and staff quarters and a local office. Thereafter, Section 6 declaration was issued on 23.08.1988. Award was also passed by proceedings dated 30.12.1994. Even according to the petitioner, the award amount has been deposited in the Court.

3. The acquisition proceedings was challenged by the father of the petitioner by filing W.P.No.13530/2000 before this Court. This Court dismissed the writ petition by an order dated 30.08.2000. This order has become final.

4. The father of the petitioner died on 26.11.2009. Thereafter, the petitioner seems to have revived the claim by making a representation to the respondents to reconvey the land on the ground that the public purpose for which the lands were acquired has not been fulfilled till date and therefore, the property must be reconveyed to the petitioner. Since the representation was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

5. The learned counsel for the petitioner submitted that the Government has not utilised the property for more than 32 years for the purpose for which, it was acquired. The learned counsel further placed reliance upon Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Act, 2015 and submitted that the unutilised land will have to revert back to the land owner if, it has not been put to use for more than five years for the purpose for which, it was acquired.

6. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 submitted that the petitioner does not have any right to claim for the re-conveyance of the property. The learned counsel further submitted that once an award is passed under the Old Act, the amended Act can never have any application except to the extent to which it is provided under Section 24 of the Act. The learned counsel further submitted that the land has now vested with the fourth respondent and therefore there is no question of re-conveying the land of the petitioner.

7. This Court has carefully considered the submissions made on either side and perused the materials available on record.

8. The law on the issue is well settled and the Hon'ble Supreme Court has categorically held in Sulochana Chandrakant Galande Vs. Pune Municipal Transport & Others reported in (2010) 8 SCC Pg.467 that where the State has acquired the land for public purpose, it is always left open to the State even to utilise the land for any other public purpose in future. There is yet another judgment in Tamil Nadu Housing Board Vs. Keeravani Ammal and Others reported in 2007 (2) CTC Pg.447 wherein, it was held that once an award is passed and possession is taken by State, thereafter, even if the Government wants to convey, it can only convey the same for a market value.

9. In the considered view of this Court, the petitioner does not have any right to seek for re-conveyance of the property. The property has vested with the Government and it has also been handed over in favour of the fourth respondent and the award has also been determined and deposited in the competent Court. Therefore, the Government has become the absolute owner of the property and there is no question of re-conveyance of the same to the petitioner.

10. No useful purpose will be served by directing the respondents to consider the representation made by the petitioner since this Court does not find any legal right for the petitioner to claim for re-conveyance of the property.

11. In the result, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Government of Tamil Nadu,
Industries Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2.The District Collector,
Tirupur District,
Tirupur.

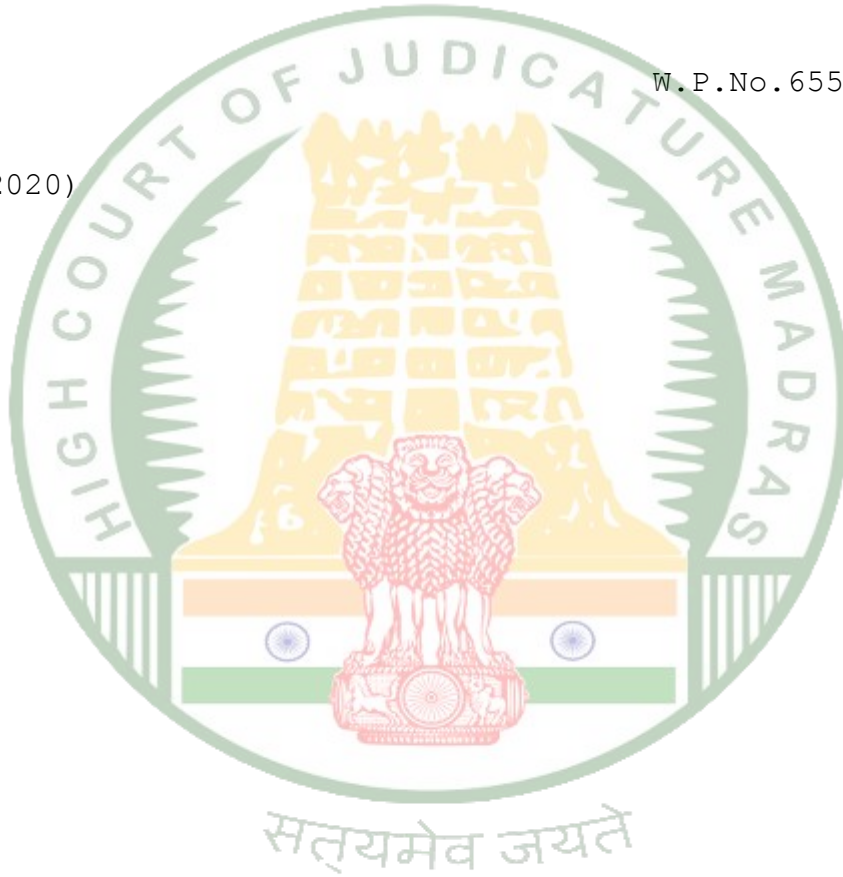
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Tirupur District.

4.The Deputy Director,
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1897, Trichy Road,
Panchdeep Bhavan, Ramanathapuram,
Coimbatore - 641 045.

+lcc to Mr.G.Arul Murugan, Advocate, S.R.No. 22957
+lcc to the Government Pleader, S.R.No. 23687

W.P.No.6558 of 2020

NRJK(CO)
GN(25/06/2020)



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