

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :14.10.2020
CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.14608 and 14611 of 2020
&
W.M.P.Nos.18114 and 18113 of 2020

Arcot Ranipet Electricity Workers
Housing and Welfare Society
Rep. By its Secretary
D.Natarajan
New No.305, Old No.77-E
Vellore Main Road, Arcot
Vellore District-632 503 ..Petitioner in W.P.No.14608 of 2020

Arcot Teachers Housing and Welfare Society
Rep by its Secretary
E.Sadagopan
New No.305, Old No.77-E
Vellore Main Road, Arcot
Vellore District-632 503 ..Petitioner in W.P.No.14611 of 2020

Vs.

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

2.The Special Tahsildar(LA)
781, R.D.O's Compound TNHB
Ranipet, Vellore

3.The Tamil Nadu Housing Board
Rep. by its Chairperson
TNHB Complex
Nandanam, Chennai-600 035

4.The Executive Engineer-cum
Administrative Officer
Vellore Housing Division
Tamil Nadu State Housing Board
Sathuvachari Division-1
Vellore-632 009

..Respondents in both the

cases

Prayer in W.P.No.13608 of 2020:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to re-convey the petitioners lands in Survey No.196(Part), measuring an extent

of 5.27 acres and in Survey No.191/2 measuring an extent of 0.63 acres, New Block No.34, Ward No.A, division-III at Arcot Village, Arcot Taluk, Ranipet District without any delay. Prayer in W.P.No.13611 of 2020:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to re-convey the petitioners lands in Survey No.196(Part), measuring an extent of 1.33 acres New Block No.34, Ward No.A, division-III at Arcot Village, Arcot Taluk, Ranipet District without any delay.

For Petitioners : Mr.M.Murali

For Respondents : Mr.Balamurugane

Special Government Pleader for R1 and 2

COMMONORDER

These writ petitions have been filed for the issue of a writ of Mandamus, directing the respondents to re-convey the land belonging to the petitioners.

2. The case of the petitioners society is that the members of the petitioners society in W.P.No.14608 of 2020 purchased an extent of 5.27 acres of land in S.No.196(Part) and 0.63 acres in S.No.191/2. The members of the petitioners society in W.P.No.13611 of 2020 purchased an extent of 1.33 acres of lands in S.No.196(Part). These lands became a subject matter of acquisition in the year 1984. Further case of the petitioners are that the Government made a representation to the effect that the members of the petitioners society will be allotted plots under the bulk allotment system and the same was not fulfilled.

3. The petitioners society made an application on 13.12.2004 to the 1st respondent seeking for re-conveyance of the property that was acquired by the respondents. The petitioners also approached this Court and filed W.P.Nos.27732 and 27733 of 2008 seeking for re-conveyance and for payment of compensation at the prevailing market rate. The writ petitions were dismissed by an order dated 08.06.2010. According to the petitioners, two Writ Appeals have been filed in W.A.Nos.2200 and 2201 of 2010 and the said Writ Appeals are pending till date.

4. In the meanwhile, the 3rd respondent started undertaking certain works in the subject property. Aggrieved by the same, the present writ petitions are filed before this Court.

5. Heard Mr.M.Murali, learned counsel for the petitioner and Mr.E.Manoharan, learned Special Government Pleader for the respondents.

6. The petitioners society sought for a similar relief and the same was rejected by the 1st respondent by communication dated 29.07.2005. This became a subject matter of challenge before this Court in W.P.Nos.27732 and 27733 of 2008. This Court after considering the entire facts and circumstances, dismissed the writ petitions by an order dated 08.06.2010. According the petitioners Writ Appeals are pending and no final orders have been passed.

7. The petitioners have chosen to file the present writ petitions by placing reliance upon Sec.101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, on the ground that the land have been kept unutilised for more than five years from the date of taking the possession. The petitioners have attempted to project a case as if the lands have not been utilised for more than 36 years and only now the 3rd respondent is proceeding further with the development activities in the lands.

8. In the considered view of this Court, the petitioners society was found by this Court not to have any right of re-conveyance of lands to the members of the petitioners society. If really the petitioners society wants to proceed further with their grievance, it should be done only in the pending Writ Appeals.. An independent writ petition cannot be filed seeking for the very same relief and it will virtually amount to re-litigating the very same issue.

This Court does not find any ground to entertain these writ petitions. In the result, these writ petitions are dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government
Housing and Urban Development
Fort St.George, Chennai-600 009

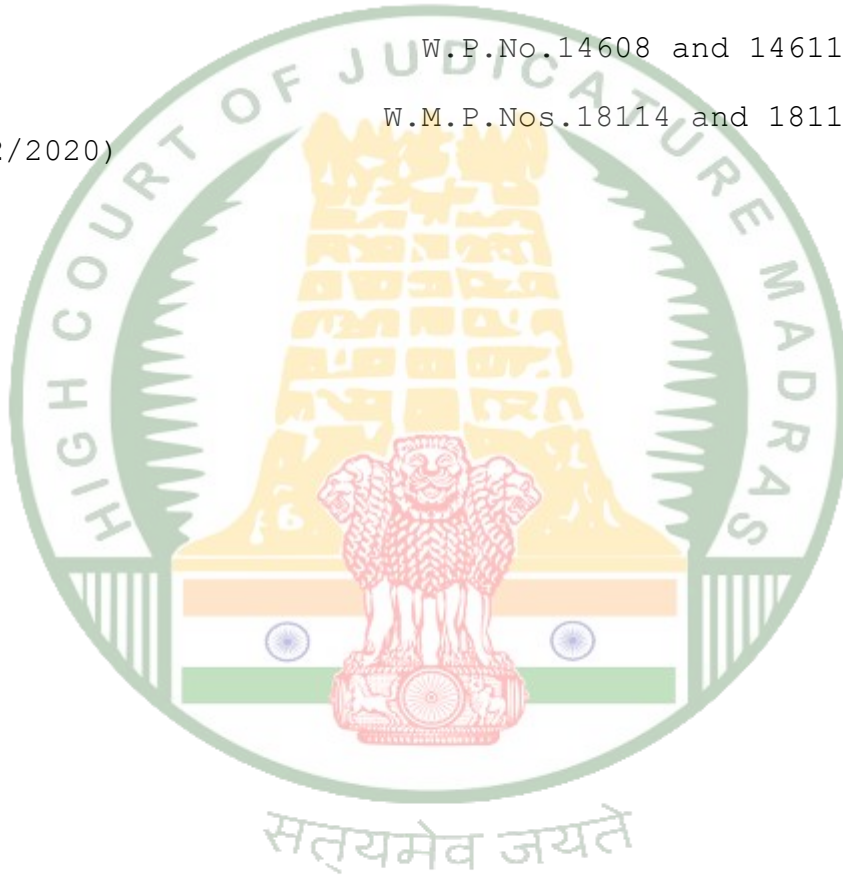
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4.The Executive Engineer-cum
Administrative Officer
Vellore Housing Division
Tamil Nadu State Housing Board
Sathuvachari Division-1, Vellore-632 009

+2ccs to Mr.M.Murali , Advocate SR.No. 34289,34290

W.P.No.14608 and 14611 of 2020
&
W.M.P.Nos.18114 and 18113 of 2020
A.SK(03/12/2020)



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