

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.16510 of 2020

A.Venkatesan

... Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-9.

2. The Special Tahsildar,
Land Acquisition,
Salem Neighbourhood Scheme,
Salem.

3. The Chairman,
Tamil Nadu Housing Board,
TNHB Complex,
Nandanam, Chennai-35.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to order passed by the first respondent in Letter No.12359/LA3 (2)/2018-8 dated 14.10.2020, quash the same and consequently direct the respondents to reconvey the land in S.No.27/2C2 and 32/1B1A2 an extent of 2.66 acres at Kottagoundampatti Village to the petitioner.

For Petitioner : Mr.M.Elango

For Respondents : Mr.E.Manoharan, R1 & R2
Special Government Pleader
Mr.Sathish R3
Standing Counsel

W E B C O P Y
O R D E R

This Writ Petition has been filed challenging the impugned order passed by the first respondent dated 14.10.2020 wherein the first respondent has refused to reconvey the subject property to the petitioner.

2. The case of the petitioner is that the subject property was acquired by the respondents under the Land Acquisition Act, 1984. The further case of the petitioner is that the award was passed as early as in the year 2003. It is stated by the petitioner that till now the respondents have not taken physical possession and the land has not been put to any use and therefore, a representation was made to the

respondents seeking for reconveyance of the subject property.

The request made by the petitioner was rejected by the impugned proceedings of the first respondent dated 14.10.2020. Aggrieved by the same, the present writ petition has been filed before this Court for seeking appropriate directions.

3. Heard Mr.M.Elango, the learned counsel for the petitioner, Mr.E.Manoharan, learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and Mr.Sathish, learned Standing Counsel appearing on behalf of the 3rd respondent.

4. A careful reading of the impugned proceedings of the first respondent clearly reveals the fact that the patta stands in the name of the third respondent Housing Board right from the year 2011 onwards. It is also seen that the respondents are in the process of developing the property and already an approval is pending in this regard.

5. Insofar as the relief of reconveyance is concerned, once an award is passed and the possession is taken by the State and the land also stands vested with the Government, even in case where the land is not required for any other public purpose, the Hon'ble Supreme Court and this Court have held that it will even be open to the State to put the property for public auction through private sale. Therefore, the right of getting the property reconveyed is not an automatic process and it will depend upon the facts and circumstances of each case. Useful reference can be made to the Judgment of the Hon'ble Supreme Court in the case of State of Kerala and others Vs. M.Bhaskar Pillai and another reported in (1997) 5 SCC 432 and also the Hon'ble Division Bench of this Court in the case of the Managing Director, Tamil Nadu Housing Board, Nandanam, Chennai-35 and another Vs. L.Ravichandran @ Ravi Sam and others reported in (2009) 6 MLJ 615.

6. In the considered view of this Court, the first respondent has assigned cogent reasons while rejecting the request made by the petitioner for reconveyance of the subject property and this Court does not find any ground to interfere with the impugned order passed by the first respondent dated 14.10.2020.

7. In the result, this Writ Petition is dismissed. No costs.

-sd-

Assistant Registrar(CS)

//True copy//

rli

To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-9.

2. The Special Tahsildar,
Land Acquisition,
Salem Neighbourhood Scheme,
Salem.

3. The Chairman,
Tamil Nadu Housing Board,
TNHB Complex,
Nandanam, Chennai-35.

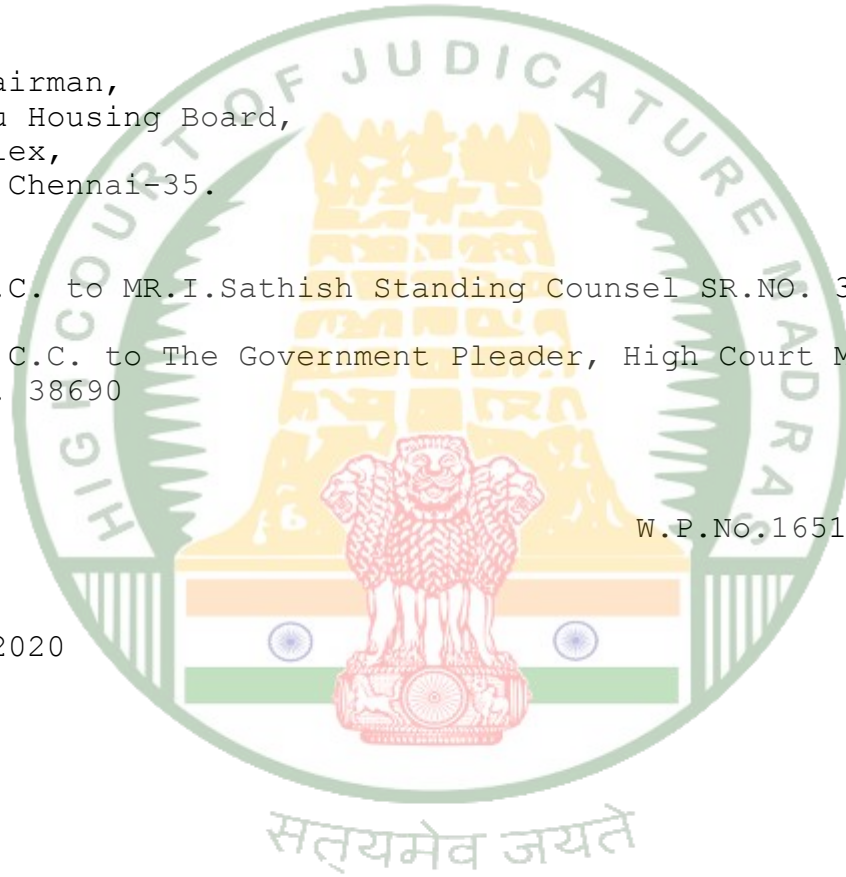
+1 C.C. to MR.I.Sathish Standing Counsel SR.NO. 38569

+1 C.C. to The Government Pleader, High Court Madras
104 SR.NO. 38690

W.P.No.16510 of 2020

SVI (CO)

VS 19.12.2020



WEB COPY