



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.08.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD) No.9464 of 2020
and
W.M.P. (MD) No.8563 of 2020

K.Karuppayee

...Petitioner

Vs

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Secretary to the Government,
Revenue Department,
Chennai.

(2nd respondent is suo motu impleaded by this Court
by order dated 18.08.2020.)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the order passed in Ni.Mu.755/2012 (d2) by the respondent dated 05.02.2020 and to direct the respondent to re convey the land in S.No.127/1, measuring to an extent of 08.03.0 hectares situated in Lempalakudi Village, Thirumayam Taluk, Pudukkottai District to the petitioner.

For Petitioner	: Mr.T.D.Vasu
For Respondents	: Mr.M.Rajarajan
	Additional Government Pleader

ORDER

Challenging the order passed in Ni.Mu.755/2012 (d2) by the respondent dated 05.02.2020, the present writ petition has been filed.

2.According to the petitioner, by virtue of the Will executed by her mother in law's mother, namely, Kulathayi, she was succeeded to the land in S.No.127/1 situated at Lempalakudi Village, Thirumayam Taluk, Pudukkottai District. Though the aforesaid land was acquired for the purpose of State Seed Farm by the Government, the same was not utilized either for this purpose or any other purpose till date. Hence, the petitioner has filed W.P.(MD) No.7636 of 2015 before this Court for reconveyance of the said land to the



petitioner.

3.This Court, by order dated 01.03.2016, remitting the matter to the 1st respondent herein for fresh consideration, has disposed of the said writ petition. In compliance of the order dated 01.03.2016, enquiry has been conducted on 19.08.2016, 22.08.2016, 29.08.2016 and 12.09.2016 by the 1st respondent herein and finally, the petitioner made another representation dated 16.10.2019 to the 1st respondent for reconveyance of the said land. At this juncture, the 1st respondent has passed the impugned order dated 05.02.2020 stating that for the said acquisition, compensation has already been paid to the petitioner, the petitioner is not a direct legal heir and the request for reconveyance does not fall within the ambit of Section 48-B of the Land Acquisition Act, 1894. Challenging the same, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner would submit that the Secretary to the Government, Revenue Department, Chennai, is the competent authority to take a decision on the request of the petitioner and that the 1st respondent herein has to submit a report before the Secretary to the Government for passing final orders.

5.The learned Additional Government Pleader appearing for the respondents had also reiterated the submission made by the learned counsel appearing for the petitioner. He would further submit that if the petitioner submits a representation before the Secretary to the Government, Revenue Department, Chennai, the same shall be considered on merits and in accordance with law.

6.Heard the learned counsel on either side.

7.In the instant case, it would be fruitful to extract Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) and the same is as follows:-

"101.Return of unutilized land:- When any land acquired under this Act remains unutilized for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government."

8.From the above, it is seen that when any acquired land remains un-utilized for a period of five years from the date of taking over the possession, the same shall be handed over to the owners or their legal heirs, as the case may be, and in this regard, the Government is the competent authority to pass final orders. For the purpose of directing the Secretary to the Government, Revenue Department, Chennai, this Court suo motu impleads the Secretary to



the Government, Revenue Department, Chennai, as 2nd respondent in the main writ petition.

9. In view of the foregoing observation, this Court is inclined to pass the following directions:-

i) the petitioner is directed to make a fresh representation to the 2nd respondent / Secretary to the Government, Revenue Department, Chennai, within a period of four weeks from the date of receipt of a copy of this order;

ii) on receipt of such representation within the stipulated time granted by this Court, the 2nd respondent is directed to independently consider the same and pass appropriate orders on merits and in accordance with law, after obtaining a report from the 1st respondent herein, as expeditiously as possible;

10. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Pudukkottai District,
Pudukkottai.

2. The Secretary to the Government,
Revenue Department,
Chennai.

+3 CC to M/s. TRANQUQBER DORAI VASU, Advocate (SR-14357[F] dated 18/08/2020)

W.P. (MD) No.9464 of 2020

18.08.2020

AP(03/09/2020) 3P 6C