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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11131 of 2013

and

M.P.No.1 of 2013

1. K.Lekshmana Perumal
2. K.Durai Pandian

...Petitioners

Vs.

- 1.The Chairman
Tamil Nadu Housing Board
No.493, Annasalai, Nandanam
Chennai-35.
- 2.The Sub Collector
Kanniyakumari District, Kanniyakumari.
- 3.The Village Administrative Officer
Vadeveeswaram Village
Kanniyakumari District, Kanniyakumari.

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents from interfering with the petitioner's possession of his land of an extent of 40 cents comprised in L-5-10/2, Vadiveeswaran Village, Agastheeswaram Taluk, Kanniyakumari District and grant patta in respect of the land in favour of the 1st respondent.

For Petitioners : Ms.S.Vijayalakshmi

For Respondents

For R2 & 3: Mr.R.Neelakandan,
Government Advocate

For R1 : Notice served

ORDER

This Writ Petition is filed to issue a writ of mandamus,



forbearing the respondents from interfering with the petitioners possession of their land to an extent of 40 cents comprised in L-5-10/2, Vadiveeswaran Village, Agastheeswaram Taluk, Kanniyakumari District and grant patta in respect of the land in favour of the 1st respondent unless under process law.

2.The land to an extent of 7.25.840 acres, situated in the village of Vadiveeswaram in Agatheeswaran Taluk, Kanniyakumari District comprised in Survey Nos.L5-9/5A, L5-10/1, L5-10/2, L5-10/3, L5-10/7, L5-25/2, L5-25/9, L5-25/10, L5-25/11, were declared by the State Government Government at Page 1 of Tamil Nadu Government Gazatte Part II, Section (2) extraordinary dated 19.07.1971 as to be needed for Tamil Nadu Housing Board for the formation of neighbourhood scheme in Nagarcoil.

3.Consequently, notification under Section 4(1) of the Land Acquisition Act under G.O.(MS).No.525, Housing and Urban Development Department dated 19.06.1990 was made. The enquiry under Section 5(A) was conducted on 25.09.1990 and the declaration under Section 6 of the Land Acquisition Act was issued in G.O.No.1080, Housing and Urban Development dated 18.07.1991.

4.The petitioners are the owners to an extent of 40 cents comprised in No.L5-10/2 in Vadiveeswaran Village, Agastheeswaram Taluk, Kanniyakumari District. The said acquisition proceedings were challenged in W.P.No.11367 of 1991 and this Court allowed the same by order dated 03.02.1999.

5.Aggrieved by the same, Writ appeal was filed in W.A.No.1761 of 2000 by an order dated 30.10.2000, it was dismissed and confirmed the order of the learned Single Judge.

6.Other owner of the property filed a W.P.No.2682/1992 and the same also allowed by an order dated 30.06.1999 and the same was also confirmed in W.A.No.813 of 2001 by an order dated 11.06.2001. Even then, the 2nd respondent now proceeding with the proposal of granting patta to the 1st respondent.

7.The learned Government Advocate appearing for the respondents 2 and 3 submitted that the entire acquisition proceedings in respect of the petitioner's land had been dropped and that they are not going to effect any modification of revenue record in respect of the petitioner's land in favour of the 1st respondent herein.

8.In fact similar Writ Petition came up before this Court and by order dated 04.01.2021 in W.P.No.10980 of 2013 this Court passed the following order:



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"2.This Court is of the view that the Writ Petition has become infructuous, in view of the fact that the acquisition proceedings in respect of the petitioner's land has not been proceeded further and the land is going to be with the petitioner.

3.In view of the factual position the Writ Petition is closed. It is made clear that the petitioner can seek review of this order in case the facts recorded by this Court in this Writ Petition are not correct. No costs. Consequently connected miscellaneous petition is closed."

9.In view of the order passed by this Court in W.P.No.10980 of 2013 dated 04.01.2021 the present Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

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To

1.The Chairman
Tamil Nadu Housing Board
No.493, Annasalai,
Nandanam, Chennai-35.

2.The Sub Collector
Kanniyakumari District,
Kanniyakumari.

3.The Village Administrative Officer
Vadeveeswaram Village
Kanniyakumari District, Kanniyakumari.

+1cc to the Government Pleader, S.R.No.39447

W.P.No.11131 of 2013 and
M.P.No.1 of 2013

PCH (CO)
SU (07/09/2021)