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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.11764 OF 2012

AND

M.P.NO.1 OF 2012

1. A.G.Chandran
2. A.G.Subramani
3. D.Jaya
4. D.Saravanan
5. D.Mohan Kumar

... Petitioners

Vs.

1. The Commissioner and Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.
2. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Anna Salai,
Chennai - 600 035.
3. Tamil Nadu Housing Board,
Vellore Division,
Rep.by the Executive Engineer and
Administrative Officer,
Sathuvachari,
Vellore - 632 009.
4. The Special Tahsildar (Land Acquisition),
For Tamil Nadu Housing Board,
Taluk Office,
Tirupattur,
Vellore District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents herein to return and re-vest the lands as detailed in the schedule herein namely:-



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SCHEDULE

VILLAGE NAME Kondasamuthiram	TALUK NAME Gudiyattam	DISTRICT Vellore
Names of the petitioners	Survey No.	Extent (in Acres)
A.G.Chandran A.G.Subramani D.Jaya D.Saravanan D.Mohan Kumar (legal heirs of late Gangaiah Naidu)	81/3A	2.45

to the petitioners herein, since the same is not required for the usage of the Tamil Nadu Housing Board in as much as it has no Scheme or funds to construct any Housing Scheme over the lands.

For Petitioners: No Appearance

For Respondents: Mr.U.Baranidharan
Government Advocate (for R-1 & R-4)

: Mr.S.Vanchinathan
Standing Counsel (for R-2 & R-3)

O R D E R

This petition has been filed seeking to direct the respondents herein to return and re-vest the lands as detailed in the schedule in the petition, to the petitioners herein, since the same is not required for the usage of the Tamil Nadu Housing Board in as much as it has no Scheme or funds to construct any Housing Scheme over the lands.

2. The case of the petitioners is that they owned the land comprised in S.No.81/3A to an extent of 2.45 acres situated at Kondasamuthiram Village, Gudiyattam, Vellore District. These lands were acquired for the Tamil Nadu Housing Board by the fourth respondent herein by issuance of notification under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act', for short) dated 04.01.1988. The said 4(1) notification was published in the Government Gazette, dated 30.10.1985. Thereafter, the enquiry was conducted under Section 5(A) of the Act on 09.01.1986 and draft declaration under Section 6 of the Act was made on 29.09.1986. After due notice to the petitioners, the award-enquiry was conducted on 28.01.1988 and the award was passed on 13.10.1988. The copy of the award



duly served on the petitioners and thereafter, the petitioners raised objections on 25.11.1988. The compensation was also duly received by the petitioners. Thereafter, the petitioners sent a representation for re-conveyance of the lands under Section 48 of the Act for the reason that the subject lands are not utilized for long a period for the purpose of which it was acquired. Therefore, the petitioners filed this Writ Petition for direction to direct the respondents to re-convey the subject lands to the petitioners.

3. The second and third respondents filed counter affidavit, from which it reveals that the petitioners are the legal heirs of the original owner of the land to an extent of 2.45 acres comprised in S.No.81/3A situated at Kondasamuthiram Village, Gudiyattam, Vellore District. Thereafter, their representation dated 02.01.2012 seeking re-conveyance of the subject lands was considered and thereafter, the representations were rejected, by an order dated 03.08.2012. In fact, the original land owner already challenged the acquisition proceedings by way of Writ Petition in W.P.No.2300 of 2003 and the same was dismissed. It was also challenged an appeal in W.A.No.170 of 2010 and the same was also dismissed by judgment dated 01.11.2010. Now, the entire Housing Board Scheme has been completed and the lands were allotted to the beneficiaries. Therefore, this Writ Petition is devoid of merits and it is liable to be dismissed.

4. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner and Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.
2. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Anna Salai,
Chennai - 600 035.



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3. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Vellore Division,
Sathuvachari,
Vellore - 632 009.

4. The Special Tahsildar (Land Acquisition),
For Tamil Nadu Housing Board,
Taluk Office,
Tirupattur, Vellore District.

+1cc to the Government Pleader, S.R.No.46166

W.P.No.11764 of 2012

SS (CO)
PM/05/10/2021