

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 15323 of 2000

C.Nagarajan

... Petitioner

Vs

- 1.The District Collector, Collectorate,
Tiruvellore.
- 2.The Land Acquisition Officer / Revenue
Divisional Officer, Collectorate,
Tiruvellore.
- 3.Secretary, Chengleput,
M.G.R.Marketing Committee,
42-B,Vaidyar Street,
Kancheepuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to relinquish the land comprised in S.No.3 to an extent of 63 cents in Perumbakkam village, Tiruvellore Taluk and District and restore the same to the petitioner.

For Petitioner : J.Antony Jesus

For Respondents 1-2 : Mr. Akil Akbar Ali
Special Government Pleader
3 : Mr. V.Ravi

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the respondent to relinquish the land comprised in S.No.3 to an extent of 63 cents in Perumbakkam village, Tiruvellore Taluk and District and restore the same to the petitioner.

2. Brief facts that are necessary for the disposal of this Writ Petition are as follows:

The petitioner claims that he is the absolute owner of the property situated at S.No.3 of Perumbakkam Village, Tiruvellore Taluk and District. It is admitted that the land was acquired by the Government for the purpose of establishment of marketing society of the third respondent and the proceeding was completed by taking possession. It is also admitted that some third party claimed right over the land and therefore, compensation was not disbursed to the petitioner's father. Later at the instance of petitioner's father, the matter was referred to Civil Court, regarding apportionment of compensation under Section 30 of the Land Acquisition Act. The reference Court by judgment dated 28.12.1994 in L.A.O.P. No.20 of 1983, declared that the father of the petitioner and another person are entitled to compensation. It is stated that an appeal in A.S. No.366 of 1996 was filed by the petitioner's father and it is pending before this Court.

3. It is seen that the petitioner's father executed a Will dated 09.02.1972 for running a public school in the acquired land. The petitioner, based on the Will executed by his father, requested the third respondent to relinquish the land and hand it over back to the petitioner as the land was not put to use for the purpose for which it was acquired. It is alleged by the petitioner that the third respondent has made an attempt to exchange the land to make profit and that the land should be relinquished in favour of the petitioner, the original land owner. Learned counsel for the petitioner states that the third respondent has not utilised the land for the purpose for which it was acquired and that therefore the land should be released from acquisition under Section 16(A) of the Land Acquisition Act.

4. When the Government acquires the land for any public body, or private organisation other than the Government, it may be open to the Government to resume the land when the land is not put to use for the purpose for which it was acquired and handed over to such department or organisation. In the present case, the petitioner seeks relinquishment of the land acquired by the Government for the third respondent in favour of the petitioner. The land was acquired long back. After passing of award, the amount was also deposited. Since there was some dispute regarding apportionment of compensation, reference under Section 30 of Land Acquisition Act is pending. The petitioner has not challenged the acquisition in the manner known to law. After this length of this time, the petitioner has filed this Writ Petition to issue direction to the respondents to relinquish the land. The petitioner has not even approached the Government seeking re-conveyance of land under Section 48(B) of Land Acquisition Act. In the petition before the third respondent, the petitioner has referred to an attempt made by

the third respondent to alienate the property in favour of an individual. In the said representation, the petitioner condemns such attempt to alienate the property in favour of the strangers. The petitioner has no right to seek re-conveyance from the Requisition Body merely because the Requisition Body has not utilised the land for the purpose for which it was acquired. May be, it is open to the Government to seek resumption of land by initiating proceedings under Section 16(A) or Section 16(B) of land acquisition Act. Section 16(A) of the Land Acquisition Act, does not enable the petitioner to seek relinquishment by approaching the Requisition Department.

This Court is unable to find any merit in this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector, Collectorate,
Tiruvellore.
- 2.The Land Acquisition Officer / Revenue
Divisional Officer, Collectorate,
Tiruvellore.

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