

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 16096 of 2011
and M.P.No.1 of 2011

1.T.Kannaki
2.Lakshmi

... Petitioners

Vs

- 1.The State of Tamilnadu,
rep. by the Secretary to Government Housing
and Urban Development,
Fort St. George,
Chennai - 600 009.
- 2.The Deputy Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 035.
- 3.The Chairman & Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai - 600 035.
- 4.The Special Tahsildar (L.A.),
In-charge Revenue Divisional Officer,
Brough Road, Erode,
Erode District.
- 5.The Executive Engineer,
Tamilnadu Housing Board,
Housing Board Complex,
Erode - 9.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records in respect of the order passed by the fourth respondent in Letter N.K.No.:LA 7/89 dated 02.05.2011, and quash the same consequently and direct the respondent to re-convey the land by invoking Section 48 B of land acquisition act in respect of property comprised in Survey No.490/3 with an extent of 1.82 acres at Kasipalayam Village, Erode Taluk, Erode Distrct.

For Petitioners : Mr. V.Kadhirvelu

For Respondents 1,2&4: Mr. M.Elumalai
Additional Government Pleader

3 : Mr. M.Baskar
Standing Counsel

O R D E R

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus calling for the entire records in respect of the order passed by the fourth respondent in Letter Na.Ka.No.LA-7/89 dated 02.05.2011 and quash the same and direct the respondents to re-convey the land by invoking Section 48 B of Land Acquisition Act in respect of property comprised in Survey No.490/3 with an extent of 1.82 acres at Kasipalayam Village, Erode Taluk, Erode District.

2. From the records it is seen that representations dated 22.04.2011 were given by the petitioners to the Government and others including the Revenue Divisional Officer seeking re-conveyance. The Revenue Divisional Officer rejected the representation of the petitioners seeking re-conveyance under Section 48 B of the Land Acquisition Act. It is admitted that the land acquisition proceeding was upheld in the earlier Writ Petition and the said judgment become final. The petitioners have filed a Special Leave Petition before the Hon'ble Supreme Court challenging the judgment and decree in the Appeal Suit determining the quantum of compensation and it is pending. In such circumstances, the request of the petitioners seeking exemption or re-conveyance of the land under Section 48 B of the Land Acquisition Act was rejected by Revenue Divisional Officer, on the ground that possession was taken by Revenue long back and handed over to Tamil Nadu State Housing Board.

3. Learned counsel appearing for the petitioner submitted before this Court that possession was not taken and that therefore, the land can be re-conveyed.

4. Once the acquisition proceeding is over, only the Government has the power to re-convey the land if it is not required for any other public purpose. In this case, the petitioner submitted a petition before the respondents after possession was handed over to Housing Board, the requisition body. Such representation cannot be entertained by Government after the land was handed over to the requisition body. The order passed by the Revenue Divisional Officer rejecting the

petition cannot be faulted since the Revenue Divisional Officer cannot deal with a petition under Section 48 B of the Land Acquisition Act. After vesting of land with Housing Board by transfer, the petitioner cannot seek re-conveyance even from Government.

5. This Court finds no merit in the Writ Petition and accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government Housing and Urban Development,
Fort St. George,
Chennai - 600 009.
- 2.The Deputy Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 035.
- 3.The Chairman & Managing Director,
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Erode District.
- 5.The Executive Engineer,
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+1cc to the Government Pleader Sr.5737

W.P. No. 16096 of 2011

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srg 17/03/2021