

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.15338 OF 2012

1. S.Kandasamy
2. K.Balasubramanian
3. J.B.Siva

... Petitioners

Vs

1. The Secretary to Government,
Public Works Department,
(Highway),
Fort St., Chennai - 600 009.

2. The District Collector-cum-
Special Deputy Collector,
(Land Acquisition),
Salem Steel Plan,
Salem District.

3. The Tahsildar,
Collector's Office Campus,
Salem,
Salem District.

4. The Executive Engineer,
Public Works Department,
Reddi Patti,
Steel Plan Road,
Salem, Salem District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's application dated 16.04.2012 under Section 48(B) of the Land Acquisition Act in respect of land in S.No.232/2B to an extent of 70 cents at Jagir Ammapalayam, Salem, Salem District and direct the respondents not to dispossess the petitioners from the above land till the disposal of the above said application.

For Petitioners : Mr.M.Elango
For Respondents : Mr.G.Ameedius
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's application dated 16.04.2012 under Section 48(B) of the Land Acquisition Act in respect of land comprised in S.No.232/2B to an extent of 70 cents situated at Jagir Ammapalayam, Salem, Salem District and direct the respondents not to dispossess the petitioners from the above land till the disposal of the above said application.

2. Heard, Mr.M.Elango, learned counsel appearing for the petitioners and Mr.G.Ameedius, learned Government Advocate appearing for the respondents.

3. The petitioners submitted a representation on 16.04.2012, requesting to re-convey the land under Section 48(B) of the Land Acquisition Act in respect of the land comprised in S.No.232/2B to an extent of 70 cents situated at Jagir Ammapalayam, Salem, Salem District, which was already acquired for laying road. Further, the case of the petitioners is that if the subject land is utilised for any other purpose except laying road, an access to their land on either side of the road comprised in survey No.232/2A, 232/C will be completely closed. Therefore, they are not able to enjoy their land.

4. A perusal of the counter reveals that after acquisition of land to lay the road to the Salem Steel Plant by an Award dated 04.02.1978 in Award No.6 of 1976, the acquired land was divided as survey No.232/2B and other parts as survey Nos.232/2A, 232/2C to an extent of 1.25 acres, out of which 40 cents was utilised by the Government and remaining extent of 85 cents was utilised for drains, road side amenities such as keeping Highway Boards, KM and HM Stones etc. The FMB Sketches received from the Revenue Inspector, Sivamangalam Firka, Salem District, clearly shows that the land in question is in the control of the Highways Department. Therefore, the entire land was acquired from the petitioner for laying road and other purposes.

5. In view of the above, the request of the petitioners cannot be considered and the writ petition is devoid of merits. That apart, the re-conveyance is not a matter of right and the

subject land has been already utilised by the respondents for the above said purpose.

6. In the result, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Public Works Department,
(Highway),
Fort St., Chennai - 600 009.

2. The District Collector-cum-
Special Deputy Collector,
(Land Acquisition),
Salem Steel Plan,
Salem District.

3. The Tahsildar,
Collector's Office Campus,
Salem,
Salem District.

4. The Executive Engineer,
Public Works Department,
Reddi Patti,
Steel Plan Road,
Salem, Salem District.

+1cc to Mr.M.Elango, Advocate, S.R.No.64954

+1cc to the Government Pleader, S.R.No.65337

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SMI (CO)
RLP(25/01/2022)