



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM

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

WP.No.15521 of 2013

and

MP.No.1 of 2013

S.Gopal (deceased)

2.G.Bakkiyam

3.G.Prabhakaran

4.S.Thangamani

5.Vasantha

6.Thamilmani

7.Suseendran

(P2 to 7 are substituted as LR's of
deceased sole petitioner as per
order dated 21.11.2019 made in

WMP.No.32840 of 2019 in

WP.No.15521 of 2013)

...Petitioners

Vs

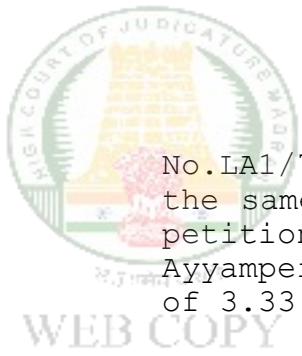
1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai 600 009

2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai - 35

3. The Executive Engineer /
Administrative Officer,
Tamil Nadu Housing Board,
Salem Housing Unit,
Salem 636 008

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the
Constitution of India praying to issue a writ of certiorarified
mandamus calling for the entire records relating to the impugned
order passed by the third respondent in his letter



No.LA1/7337/79 (WP.No.9483 of 1986) dated 09.04.2013 and quash the same and consequently direct the respondents to reconvey the petitioners land situated in S.Nos.82/2,3,4 and 5, Ayyamperumalpatti Village, Salem Taluk & District to the extent of 3.33 acres of land to the petitioner.

For Petitioners : Mr.C.Prakasam

For Respondents

For R1 : Mr.Richardson Wilson
Government Advocate

For R2 & 3: Mr.I.Sathish,
Standing Counsel

ORDER

This Writ Petition is filed to issue a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the third respondent in his letter No.LA1/7337/79 (WP.No.9483 of 1986) dated 09.04.2013 and quash the same and consequently direct the respondents to reconvey the petitioner's land situated in S.Nos.82/2,3,4 and 5, Ayyamperumalpatti Village, Salem Taluk & District to the extent of 3.33 acres of land to the petitioner.

2. The learned counsel for the petitioners would submit that the third respondent is not the competent authority to consider the representation of the petitioners for reconveyance of the land comprised in survey No.82/2,3,4 and 5 Ayyamperumalpatti Village, Salem Taluk & District under Section 48-B of the Land Acquisition Act.

3. There is no evidence to show that the first petitioner made representation to the first respondent or to the third respondent. However, now the Land Acquisition Act has been repealed by the new Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by Act 30 of 2013. However, the provision under Section 101 under the new Act is available for return of unutilized land. Therefore, the petitioners are directed to submit new representation for reconveyance of the land under Section 101 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to the first respondent herein within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the first respondent is directed to dispose of the said representation on merits and in accordance with law within a



period of twelve weeks thereafter.

4. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai - 35.
3. The Executive Engineer /
Administrative Officer,
Tamil Nadu Housing Board,
Salem Housing Unit,
Salem 636 008.

+1cc to the Government Pleader, S.R.No.40375

WP.No.15521 of 2013

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