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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15687 of 2015

and

M.P.Nos.1 and 2 of 2015

1. K.Yagamoorthy
2. Alamelu
3. Gnanasundari
4. Bakthavatchalam Naidu
5. D.Mani
6. J.VijayaKumar
7. S.G.Kalaiarasu
8. V.Sagayam
9. P.Jayachandran
10. Anjalai

... Petitioners

-Vs-

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 9.
2. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in G.O.Ms.No.7, Housing and Urban Development Department, dated 03.01.2007 insofar as paras 4 to 7 and quash the same and forbearing the respondents from proceeding with the Thirumazhisai Satellite Township Scheme in view of lapse of land acquisition proceedings in pursuance of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioners : Mr.L.G.Sahadevan

For R2 : Mr.M.Baskar,
Standing Counsel

For R1 : Mr.G.Ameendius
Government Advocate.



ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent in G.O.Ms.No.7, Housing and Urban Development Department, dated 03.01.2007 insofar as paras 4 to 7 and quash the same and forbearing the respondents from proceeding with the Thirumazhisai Satellite Township Scheme in view of lapse of land acquisition proceedings in pursuance of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Heard Mr.L.G.Sahadevan, learned counsel appearing for the petitioners, Mr.G.Ameendius, learned Government Advocate appearing for the first respondent and Mr.M.Baskar, learned Standing Counsel appearing for the second respondent.

3. The writ petition is dismissed as withdrawn insofar as the petitioners 1, 2 and 7 are concerned, since, they received the enhanced compensation as per G.O.Ms.No.160, dated 28.06.2013 and also undertakes to withdraw the writ petition. Accordingly, the writ petition is dismissed as withdrawn for the petitioners 1, 2 and 7.

4. Insofar as the petitioners 3, 4, 5, 6 and 8 are concerned, the writ petition stands allowed, in view of the order passed by this Court, dated 18.11.2021 in W.P.No.8924 to 8941 & 17820 of 2010 and batch.

5. Insofar as the tenth petitioner is concerned, her land is situated in Phase I Scheme, in which already the scheme was implemented and received the entire compensation. Therefore, the writ petition of the tenth petitioner stands dismissed.

6. Insofar as the ninth petitioner is concerned, part of the land falls under Phase II and part of the land falls under Phase I. Insofar as the land falls under Phase II alone stands allowed, in respect of the subject property comprised in Survey No.38/1, ad-measuring 0.45.5 hectares, in Survey No.38/2, ad-measuring 0.34.5 hectares, in Survey No.38/3, ad-measuring 0.04.0 hectares, in Survey No.40/4, ad-measuring 0.14.5 hectares, in Survey No.40/1, ad-measuring 0.17.0 hectares, in Survey No.40/5, ad-measuring 0.22.5 hectares, in Survey No.40/2, ad-measuring 0.39.5 hectares, in Survey No.40/3, ad-measuring 0.33.0 hectares and in Survey No. 34/2B, ad-measuring 0.22.5 hectares situated at Chembarambakkam Village. In respect of the subject property comprised in Survey No.701/1A, ad-measuring 0.0.3.0 hectares situated at Kuthambakkam Village, Poonamalle Taluk, Thiruvallur District stands dismissed. Accordingly, the writ petition of the ninth petitioner is partly allowed.



7. In view of the above, the writ petition in respect of the petitioners 1, 2 and 7 is dismissed as withdrawn. The writ petition in respect of the petitioners 3, 4, 5, 6 and 8 stands allowed. The writ petition in respect of the ninth petitioner is partly allowed and the writ petition in respect of the tenth petitioner stands dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 9.
2. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

+2ccs to Mr.L.G.Sahadevan, Advocate, S.R.No.64211
+1cc to the Government Pleader, S.R.No.64820

W.P.No.15687 of 2015

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NSK 23/12/2021