

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.15993 of 2015

Jayashree. S.Iyer,
W/o.Subramaniya Iyar

... Petitioner

Vs.

1. The State Represented by its Secretary to Government of Tamil Nadu, Housing and Urban Development Department, Fort St. George, Chennai-600 009.
 2. The District Collector, Collectorate, Kanchipuram, Kanchipuram District.
 3. The Managing Director, Tamil Nadu Housing Board, Nandanam, Chennai-600 035.
- ... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to release unutilized land bearing Plot No.11 an extent of 2653 Sq.feet plot comprised in Survey No.352/1, part and 352/9 Part in Sholinganallur Village, Tambaram Taluk, Kanchipuram District as per new Act Section 24(2) to right fair compensation transparency Act in Land acquisition Recapitalization Resettlement Act in 2013 deem to fit and proper circumstances of the case.

For Petitioner : Mr.G.Ranganathan

For Respondents : Mr.E.Manohar for RR1 and 2
Additional Government Pleader
Mr.Basker for R3

ORDER

The writ petition is filed for issuing a Writ of Mandamus, to direct the respondents to release unutilized land bearing Plot No.11 an extent of 2653 Sq.feet plot comprised in Survey

No.352/1, part and 352/9 Part in Sholinganallur Village, Tambaram Taluk, Kanchipuram District as per new Act Section 24 (2) to right fair compensation transparency Act in Land acquisition Recapitalization Resettlement Act in 2013.

2.The brief facts which are necessary for disposal of the writ petition are as follows:-

The petitioner has purchased the property by a sale deed bearing Document No.1589 of 1992 dated 07.04.1992. After a long time, the petitioner's property was acquired for the purpose of Shollinganallur Neighborhood Housing Scheme Phase-III by the State Government. It is stated that the respondents did not follow the procedure contemplated under Act and that the award amount was not deposited either in the name of the petitioner or his vendor. It is stated that the land was acquired in an arbitrary manner without depositing the award amount, and that the land was not utilized for the scheme. It is contended that as per Section 24(2) of Act 30 of 2013, the respondents should be directed to release the unutilized land.

3.The learned Additional Government Pleader on instructions states that the entire acquired land was utilized by putting up constructions. It is stated that more than 1200 plots have been constructed. The petitioner has not given any details about the passing of award and the payment of compensation. The petitioner purchased the property after the declaration under Section 6 of Land Acquisition Act.

4.The petitioner has not stated that he is in possession of the property. It is to be noted that the land was acquired long back and the proceedings initiated by the respondents for acquiring the land was neither challenged by the petitioner nor her vendor.

5.It is stated by the respondents that the award was passed in the year 1994 and the entire compensation was disbursed to the land owners after following the procedure contemplated under the Central Act. It is not disputed that possession was taken.

6.In this case, it is stated that the award was passed in the year 1994. The fact that the respondents State Housing Board has taken possession and put up constructions in the acquired land is not objected.

7.Having regard to the recent judgement of Hon'ble Supreme Court explaining and interpreting Section 24 of Act 30 of 2013, this Court is unable to entertain this writ petition. The petitioner cannot seek relief, even if the land is not utilized.

Accordingly, the writ petition is dismissed. No Costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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Copy to

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.
2. The District Collector,
Collectorate, Kanchipuram,
Kanchipuram District.
3. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

+1cc to M/S.G. Ranganathan, Advocate, S.R.No.8010

+1cc to M/S.M.Baskar, Advocate, S.R.No.8001

W.P.No.15993 of 2015

PPA(CO)
PM(14/07/2021)

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