



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7262 of 2018

1. Kalammal

2. Santhi

3. Chithra

4. Mallika

.... Petitioners

Vs

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2. Tamil Nadu Housing Board,
Rep by its Chairman-cum-Managing Director,
No.493, Anna Salai,
Chennai - 600 035.

3. The Executive Engineer and Administrative Officer,
Coimbatore Housing Unit-Tamil Nadu Housing Board,
Hudco Colony, Tatabad,
Coimbatore.

4. The Land Acquisition Officer,
Special Deputy Collector,
Neighbourhood Project,
Coimbatore - 12.

.... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of declaration, declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act 1894 in respect of the land to an extent of 4.35 acres comprised in survey No.96/1 and 3.08 acres in survey No.94/2 of Sundakkamuthur Village, Coimbatore Taluk and District, covered by Award Nos.3 and 4/1964 dated 13.07.1964 deemed to have lapsed in view of Section 24(2) or in the alternative direct the respondents to return the said land being unutilized to the petitioners in view of Section 101 of Right to Fair Compensation and Transparency in Land



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Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.I.Abrar Mohammed Abdullah

For R1 & R4 : Mr.G.Ameedius
Government Advocate

For R2 & R3 : Dr.R.Gouri

ORDER

This Writ Petition has been filed for issuance of Writ of declaration, declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act 1894 in respect of the land to an extent of 4.35 acres comprised in survey No.96/1 and 3.08 acres in survey No.94/2 of Sundakkamuthur Village, Coimbatore Taluk and District, covered by Award Nos.3 and 4/1964 dated 13.07.1964 deemed to have lapsed in view of Section 24(2) or in the alternative direct the respondents to return the said land being unutilized to the petitioners in view of Section 101 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2.Heard, Mr.I.Abrar Mohammed Abdullah, learned counsel appearing for the petitioner, Mr.G.Ameedius learned Government Advocate appearing for the respondents 1 & 4 and Dr.R.Gouri, learned counsel appearing for the respondents 2 & 3.

3. Though the writ petitioner challenged the acquisition proceedings of the year 1964 under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the learned counsel for the petitioner restricted his claim for re-conveyance for the reason that the subject land is still lying vacant.

4.Considering the above, the writ petition is dismissed as devoid of merits with liberty to the petitioner that they can approach the respondents for re-conveyance of their subject land.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Lpp



To

1. The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2. The Chairman-cum-Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Chennai - 600 035.

3. The Executive Engineer and Administrative Officer,
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Hudco Colony, Tatabad,
Coimbatore.

4. The Land Acquisition Officer,
Special Deputy Collector,
Neighbourhood Project,
Coimbatore - 12.

+1cc to Mr.I.Abrar MD.Abdullah, Advocate SR.No.66012
+1cc to the Government Pleader SR.No.66629

W.P.No.7262 of 2018

RLD(CO)
GN(10/01/2022)