



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.23558 of 2013

M.Sowundarapandian

...Petitioner

-Vs-

1. The Government of Tamilnadu
Rep. by Secretary to Government,
Tourism Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

...Respondents

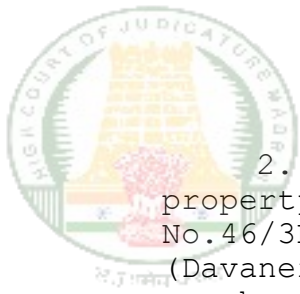
Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Letter No.9746/T1/2012-2 dated 05.04.2013 and quash the same and direct the first respondent herein to re-convey the land of an extent of 2,400 sq.ft., in plot No.141, comprised in Old survey No.46/1B and present survey No.46/3B Mamallapuram (Davaneri) Village, Chingleput Taluk, Kancheepuram District to the petitioner under Section 48B of the Land Acquisition Act 1894.

For Petitioner : Mr.M.Muthappan

For Respondents: Mr.G.Baranidharan
Government Advocate.

ORDER

The Writ Petition has been filed to call for the records of the first respondent in Letter No.9746/T1/2012-2 dated 05.04.2013 and quash the same and direct the first respondent herein to re-convey the land of an extent of 2,400 sq.ft., in plot No.141, comprised in Old survey No.46/1B and present survey No.46/3B Mamallapuram (Davaneri) Village, Chingleput Taluk, Kancheepuram District to the petitioner under Section 48B of the Land Acquisition Act 1894.



2. The case of the petitioner is that the petitioner owned property comprised in old survey No.46/1B and new survey No.46/3B ad measuring 2,400 sq.ft., situated at Mamallapuram (Davaneri) Village, Chingleput Taluk, Kancheepuram District. He purchased the same by the registered sale deed 18.09.1970 vide document No.2226 of 1970 and the same was acquired by the first respondent by the notification under Section 4(1) of the Land Acquisition Act, 1894 (herein after called as "the Act") vide G.O.Ms.No.4824 Public (Tourism Department) dated 06.12.1974, for the purpose of preservation of environmental and aesthetic character. Thereafter, the declaration under Section 6 of the Act was also issued by the government in G.O.Ms.No.2560 Public (Tourism-I) Department, dated 19.12.1997. Though the award has been passed on 23.09.1986, the subject land is not put to use by the Government, for which it was sought to be acquired. Therefore, the petitioner made a representation to re-convey the land and the same was rejected by the first respondent in the impugned order. Hence the present Writ Petition.

3. Heard Mr.M.Muthappan, learned counsel appearing for the petitioner, Mr.G.Baranidharan, learned Government Advocate appearing for the respondents.

4. It is seen from the counter affidavit filed by the first respondent, after acquisition of the land, the Tamil Nadu Tourism Development Corporation had taken the following steps for utilization of the entire land:-

(i) Establishment of open air museum and open air auditorium with Government of India assistance.

(ii) Establishment of mini Golf Course under Public Private Partnership (PPP) mode.

(iii) Establishment of Youth Hostel of international standard.

(iv) Establishment of Water Sports under Public Private Partnership (PPP) mode.

Accordingly, the efforts are also being made by the Department of Tourism and Tamil Nadu Tourism Development Corporation to establish other viable Tourism projects with Asian Development Bank assistance and private participation. More over, the Government declared the East Coast Road as Tourism Corridor as hence, viable Tourism projects will be established in this land at the earliest.

5. It is curious to note that the acquisition proceedings have been completed even in the year 1986 and the award has been passed in Award No.11 of 1986 on 23.09.1986 itself. However, the petitioner requested for re-conveyance of the subject land only in the year 2012, for the reason that the said land was kept idle for more than 26 years. Now on perusal of the counter affidavit filed by the first respondent, it is seen that the



government have so many projects through Tamil Nadu Tourism Development Corporation and therefore, this Court finds no merits in this Writ Petition.

6. That apart, the Government can release the acquired land only till the same continues to vest in it and that too if it is satisfied that the acquired land is not needed for the purpose for which it was acquired or for any other public purpose. As stated supra, there are several projects to be established in the land acquired as such, the first respondent rightly rejected the request of the petitioner for re-conveyance. Therefore, the Writ Petition is devoid of merits and liable to be dismissed.

7. In the result, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary to Government
Government of Tamilnadu,
Tourism Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

+1cc to M/s.M.Muthappan, Advocate, S.R.No.46256

+1cc to the Government Pleader, S.R.No.46161

W.P. No.23558 of 2013

KSM(CO)
RGA(01/10/2021)