



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24686 of 2013

1. P.Maruthayammal (Deceased)

2. Thayalnayagi

3. V.P.Arunachalam

4. Krishnaveni

5. Vijayalakshmi

6. Nagadevi

7. Umavathi

8. Divya

9. Ramkumar

... Petitioners

(P2 to P9 are substituted as LRS of deceased Petitioners as per order dated 31/10/2019 made in mp.1/2015 in WP 24686/2013 by TRJ)

-Vs-

1. The State of TamilNadu

Represented by its Secretary,
Housing and Urban Development Department,
Fort St George,
Chennai-09.

2. The Special Thasildar (Land Acquisition),
Neighbourhood Scheme,
Salem.

3. The Executive Engineer and the Administrative,
Erode Housing Board Division,
Surampatti Nalu Road,
Erode-638009.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first and second respondent to invoke the provision under section 16(B) by passing an order forfeiting the land for an extent of 3183.9 Sq.ft comprised in survey No. 198/4, 5 & 6 situated at Kadachanallur Village, Tiruchengode Taluk and consequently directing the respondents to re-convey the same to the petitioner herein under section 48(B) of the Land Acquisition Act.



WEB COPY

For Petitioners : M/s.V.Meenakshisundaram

For R1 and R2 : Mr.M.R.Gokul Krishnan
Government Advocate.

For R3 : Mr.I.Sathish

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the first and second respondent to invoke the provision under section 16(B) by passing an order forfeiting the land for an extent of 3183.9 Sq.ft comprised in survey No. 198/4, 5 & 6 situated at Kadachanallur Village, Tiruchengode Taluk and consequently direct the respondents to re-convey the same to the petitioner herein under section 48(B) of the Land Acquisition Act.

2. Heard M/s.V.Meenakshisundaram, learned counsel appearing for the petitioners, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1 & 2 and Mr.I.Sathish, learned counsel appearing for the third respondent.

3. The case of the petitioner is that the petitioner purchased property to an extent of 3183.9 sq.ft comprised in survey Nos.198/4, 5 & 6 situated at Kadachanallur Village, Tiruchengode Taluk, by a registered sale deed vide Document No.2599 of 1966. The said land was acquired for the purpose of housing board neighborhood scheme. Though the lands were acquired, even till date, no construction of houses were put up on the subject property and the land is not utilised for the purpose for which it was acquired. Therefore, the petitioner sent a representation requesting the respondents to re-convey the subject land.

4. On perusal of the counter filed by the second respondent revealed that the Tamilnadu Housing Board acquired the land comprised in survey No. 193/1B2 etc ad-measuring 51.15 acres including the petitioners land under the notification issued under section 4(1) of the Land Acquisition Act as approved by G.O.Ms.No.895, dated 17.10.1981. The draft declaration under section 6 was issued and the draft direction issued under section 7 of the Land Acquisition Act was approved by the Government in G.O.Ms.No 915, dated 30.10.1984. It was published in the Tamil Nadu Government Gazette dated 07.11.1984. Thereafter, notice under section 9(1)19 and 9(3)10 of the Land Acquisition Act was issued to the petitioner on 27.09.1986.

5. The award enquiry was conducted and the award has been passed in Award No.16/86-87, dated 10.11.1986. Thereafter, the



land, which were acquired under the proceedings, were handed over to the Tamil Nadu Housing Board on 29.01.1987. Thereafter, a comprehensive layout plan has been prepared on the petitioners land along with other surrounding acquired lands for the construction of houses and Development of plots. The same was approved by the Government Authority of Town and Country planning for 125 HIG Houses, 346 MIG Houses and 423 LIG Houses, totally 894 houses were permitted for construction. Accordingly, those houses were constructed and allotted to the General Public, State and Central Government Employees as per the allotment posted. Therefore, the entire scheme were taken up and completed the same long back. Therefore, the petitioners prayer for re-conveyance of the subject property cannot be considered and the writ petition deserves no consideration and same is liable to be dismissed.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp/mn

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
2. The Special Thasildar (Land Acquisition),
Neighbourhood Scheme,
Salem.
3. The Executive Engineer and the Administrative,
Erode Housing Board Division,
Surampatti Nalu Road,
Erode-638009.

+1cc to Mr.I.Sathish, Advocate, S.R.No.45603
+1cc to the Government Pleader, S.R.No.45902

W.P.No.24686 of 2013

AJS (CO)
CT(29/09/2021)