



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20394 of 2018

V.Selvaakumar

...Petitioner

Vs

1. The Tamil Nadu Housing Board,  
Rep.by its Managing Director,  
Anna Salai, Nandanam,  
Chennai - 600 033.
2. The Executive Engineer &  
Administrative Officer,  
Vellore Housing Unit,  
Tamil Nadu Housing Board,  
Sathuvachari, Vellore - 632 009.
3. The Executive Engineer,  
Tamil Nadu Housing Board,  
Thiruvannamalai Division,  
No.10, 5<sup>th</sup> Street, Bandi Nagar.

...Respondents

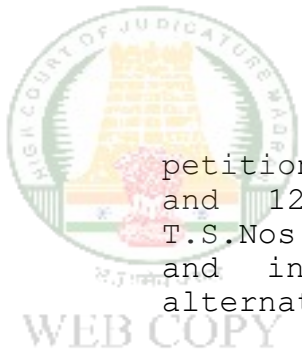
Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to declare the entire land acquisition proceedings initiated by respondents, for acquiring the petitioner's father land of about 12809 sq.ft, 5554 sq.ft and 12, 384 sq.ft belonging to petitioner father in T.S.No.1793/1, 1793/3, 1789/2 respectively are lapsed and in consequences to deliver this land or in alternative to provide the present market value of this land.

For Petitioner : Mr.L.Mruruganantham

For Respondents : Mr.Vanchinathan  
Standing Counsel

ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the respondents to declare the entire land acquisition proceedings initiated by respondents, for acquiring the



petitioner's father, property of about 12809 sq.ft, 5554 sq.ft and 12, 384 sq.ft belonging to petitioner's father in T.S.Nos.1793/1, 1793/3 and 1789/2 respectively, which are lapsed and in consequence, to deliver these lands or in the alternative, to provide the present market value of this land.

2. The petitioner owned the lands that had been derived from his father. The respondents initiated acquisition proceedings dated 08.09.1982 for the purpose of construction of houses under Mini-Neighbourhood Scheme. After demise of his father, when the petitioner verified as to whether the acquisition proceedings have been properly done and as to whether the compensation had been disbursed in respect of the property belonged to them, he came to know that the lands which were not subjected to acquisition proceedings, have been occupied by the respondents illegally and no compensation amount had also been paid. Therefore, the petitioner had sent a legal notice to the second respondent on 19.02.2003 calling upon them to return the vacant possession of the lands comprised in T.S.No.1793/1A1A4, ad-measuring an extent of 7209 sq.ft and the lands comprised in T.S.No.1793/3, ad-measuring an extent of 14929 sq.ft and also to pay the compensation at the present market rate. It was not considered and as such, the petitioner filed a Writ Petition before this Court in W.P.No.17217 of 2003 and by order dated 04.08.2005, this Court directed the respondents therein to consider the petitioner's representation, after giving an opportunity of hearing to the petitioner and dispose of the same. Thereafter, they communicated the order to the petitioner after considering the request and also settlement of compensation provided to the petitioner and to prove the ownership of the utilized land of an extent 4702 sq.ft.

3. The learned counsel for the petitioner submitted that the land belonged to the petitioner in T.S.No.1793/1 (including T.S.No.1793/1A1A4), 1793/3 and 1789/2, ad-measuring an extent of 12809 sq.ft., 5554 sq.ft and 12,384 sq.ft respectively, which were illegally taken over by the respondents without even passing the Award and without providing any compensation.

4. On a perusal of the counter affidavit filed by the respondents, it reveals that the respondents implemented Neighbourhood Scheme at Tiruvannamalai to an extent of 47.78 acres including the petitioner's lands comprised in T.S.No.1788, 1789/1, 1789/2A1 and 1793/1A1A41A to an extent of 2.33 acres through the Land Acquisition Act, 1894. As directed by this Court, joint survey/inspection was conducted and communication was made by the Board on 07.06.2006, wherein, it was concluded that only an extent of 4720 sq.ft in sub-division comprised, in S.No.1793/1A1A4A2 had been utilised by the respondents without land acquisition. Other than these, the extent of the lands of



the petitioner is already covered in Award No.3 of 1987 dated 18.09.1987. Further, it reveals that the respondents provided an opportunity as directed by this Court and the respondents/Board is ready to settle the compensation provided the petitioner to prove his ownership of the said lands, measuring an extent of 4,720 sq.ft.

5. Considering the above said Board's communication dated 07.06.2006, the petitioner is directed to prove his ownership in respect of the property comprised in T.S.Nos.1793/1, 1793/3, 1789/2 before the first respondent. On receipt of the same, the first respondent is directed to disburse the necessary compensation under the New Act of 2013, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,  
The Tamil Nadu Housing Board,  
Anna Salai, Nandanam,  
Chennai - 600 033.
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Administrative Officer,  
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No.10, 5<sup>th</sup> Street, Bandi Nagar.

+1cc to Mr.Vanchinathan, Advocate, S.R.No.67772

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KSM[co]  
NSK 11/01/2022