



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.18989 of 2021
and
W.M.P.No.20250 of 2021

(Through Video Conferencing)

Estate of Late T.P.Ramaswamy Pillai,
Rep. by its Trustee T.R.K.Saravanan,
No.6/7, General Collins Road,
Vepery, Chennai - 600 007.

... Petitioner

Vs.

1.Special Deputy Collector,
Land Acquisition,
Chennai City, Chennai - 600 001.

2.Corporation of Madras,
Rep. by its Commissioner,
Ripon Building,
Chennai - 600 003.

3.Superintending Engineer,
Construction Sewerage,
Madras Metropolitan Water Supply
and Sewage Board,
No.1, Pumping Station Road,
Chindaripet, Chennai - 600 002.

4.Government of Tamil Nadu,
Rep. by its Secretary,
Rural Development and Land
Acquisition Department,
Fort St.George, Chennai - 600 009.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to direct the second respondent, Greater Chennai Corporation and the fourth respondent Government to re-convey the Land in R.S.No.3895/5 of Tondiarpet Village measuring an extent of 7 Grounds and 2200 sq.ft. acquired as per Award No.10/1978 dated 10.11.1978 of the first respondent to the Petitioner Estate from whom it was



acquired considering the representations dated 27.08.2015 and 26.03.2019 made by the petitioner to the Government.

For Petitioner : Mr.G.Sugumaran

For R1 & R4 : Mr.K.M.D.Muhilan, G.A.

For R2 : Mr.M.Ganesan, Standing Counsel

For R3 : Mr.C.Vigneshwaran

O R D E R

This Writ Petition has been filed by the petitioner to direct the second respondent, Greater Chennai Corporation and the fourth respondent Government to re-convey the Land in R.S.No.3895/5 of Tondiarpet Village measuring an extent of 7 Grounds and 2200 sq.ft. acquired as per Award No.10/1978 dated 10.11.1978 of the first respondent to the petitioner from whom it was acquired considering the representations dated 27.08.2015 and 26.03.2019 of the petitioner.

2. It is the case of the petitioner that the petitioner had challenged the acquisition by the respondents. The petitioner had filed W.P.No.3931 of 1995 which came to be disposed by an order dated 27.07.2001. It is submitted that while disposing the Writ Petition, this Court directed the petitioner to approach the fourth respondent for re-conveyance of the land under Section 48-B of the Land Acquisition Act. Section 48-B of the Act empowers the Government to re-convey the land when it is no longer required for the public purpose for which it was acquired.

3. Appearing on behalf of the third respondent, the learned counsel submits that the land belongs to the third respondent Madras Metropolitan Water Supply and Sewage Board for constructing pumping station. He submits that there cannot be re-conveyance of the land.

4. It is noticed that a liberty was already granted, pursuant to which, the petitioner appears to have sent two representations dated 27.08.2015 and 26.03.2019 which have not evoked by any response from fourth respondent.

5. Considering the above statement, this Court is inclined to dispose the present Writ Petition by directing the fourth respondent to pass appropriate orders on the representations dated 27.08.2015 and 26.03.2019 of the petitioner. While passing such orders, the fourth respondent shall also elicit an



opinion from the third respondent as to whether the land in question has been earmarked for constructing the pumping station for the third respondent. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.Special Deputy Collector,
Land Acquisition,
Chennai City, Chennai - 600 001.

2.The Commissioner,
Corporation of Madras,
Ripon Building,
Chennai - 600 003.

3.Superintending Engineer,
Construction Sewerage,
Madras Metropolitan Water Supply and Sewage Board,
No.1, Pumping Station Road,
Chindaripet, Chennai - 600 002.

4.The Secretary,
Government of Tamil Nadu,
Rural Development and Land
Acquisition Department,
Fort St.George, Chennai - 600 009.

+1cc to the Government Pleader Sr.46134
+2cc to Mr.G.Sugumaran, Advocate Sr.45660

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sr-II[co]
srg 08/10/2021