



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.9775 of 2021
and W.M.P.Nos.10377 & 10380 of 2021

1. P.M.Baskar
2. P.M.Prabhakar
3. P.M.Nalini .. Petitioners

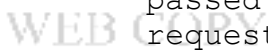
Vs.

1. The State of Tamil Nadu,
Rep. by its Commissioner and Secretary,
Housing and Urban Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Office of the Kanchipuram Collectorate,
Kanchipuram District.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Erwin Road, Egmore,
Chennai - 600 008. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the entire records pertaining to passing of the orders G.O.(D) No.147, dated 24.10.2017, by the 1st respondent herein and quash the same and consequently direct the respondents to release the land to the petitioners measuring about 3200 sq.ft. in Kattankolathur Village Survey No.336/1B, Chengalpattu Taluk, Kanchipuram District acquired by Notification under Section 4(1) in the Tamil Nadu Official Gazette dated 23.10.1974 as the same remains unutilized till date under Section 48B of Land Acquisition Act.

For Petitioners : Mr.A.D.Janarthanan

For Respondents 1 & 2 : Mr.K.M.D.Muhilan,
Government Advocate



(The case has been heard through video conference)

Writ petition has been filed challenging the order passed by the first respondent rejecting the petitioners' request for re-conveyance of the land.

2. According to the petitioners their lands were acquired by the respondents in the year 1981, for forming a New Satellite Town, at Maraimalai Nagar, thereafter, the award amount was not paid to the petitioners and so far the respondents have not utilised the land for the purpose for which it was acquired and it was kept vacant. In such circumstances, the petitioners have made a representation to the authorities seeking for re-conveyance of the property to the petitioners. The said representation of the petitioners was rejected by the respondents vide impugned order dated 24.10.2017. Now, challenging the same the present writ petition has been filed.

3. Mr.A.D.Janarthanan, learned counsel appearing for the petitioners submitted that, even though the land was acquired in the year 1981, compensation amount was not paid to the petitioners. Though the neighbouring lands were developed, the petitioners' land yet to be allotted to anybody and till today it is kept vacant. Thus, according to the learned counsel, it is not utilised for the purpose for which it was acquired. In such circumstances, the petitioners are entitled for re-conveyance.

4. Per contra, Mr.K.M.D.Muhilan, learned Government Advocate appearing for the respondents submitted that, for forming a new satellite town at Maraimalai Nagar, lands were acquired, in the year 1974. A notification under, Section 4 (1) and Section 6 of the Land Acquisition Act, 1894 was issued and subsequently after enquiry award was also passed and award amount was paid to the respective land owners in the year 1981. Thereafter possession of the land was taken and handed over to the CMDA. A layout was approved as 'Town Center' and the entire area has been plotted out for commercial and residential purpose and they have allotted to general public long ago. The petitioners' land was also allotted to the general public and the land was utilised by the authorities for the purpose for which it was acquired. In such circumstances, the petitioners are not entitled for re-conveyance of the land and the first respondent after considering the same has rightly rejected the claim of the petitioners.

5. I have considered the rival submissions.

6. From the perusal of the records, it could be seen that a large extent of land was acquired in Maraimalai Nagar in Chennai district for the purpose of forming a new



satellite town. Section 4(1) notification was issued in the year 1974 and it was followed by Section 6 declaration, and Award was also passed in the year 1980. Thereafter, from the records, it could be seen that CMDA has plotted out the lands for commercial and residential purpose and the entire plots have been allotted to the general public. The order passed by the respondents also clearly shows that the lay out was named 'Town Center' and it was allotted to the general public. Merely because the petitioners land is kept vacant, it cannot be considered as if the land was not utilised for the purpose for which it was acquired. It is also not the case of the petitioners that possession was not taken over by the respondents and the petitioners are in possession of the property. Considering all these circumstances, the first respondent has rightly held that the petitioners are not entitled for re-conveyance. I find no illegality or irregularity in the order passed by the first respondent. I find no merit in the writ petition and the same is liable to be dismissed and accordingly dismissed. Consequently, connected miscellaneous petitions are closed. No cost.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

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Housing and Urban Department,
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PL(CO)
GMY(19/07/2021)