



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.25064 OF 2016

1. C.Chandrasekar
2. Sasikala

... Petitioners

.Vs.

1. The Government of Tamil Nadu,
Rep. By the Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Madras - 9.
2. The Managing Director,
TNHB, Hosur Town & Taluk,
Krishnagiri District.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Hosur, Krishnagiri District.
4. The Sub-Collector,
Hosur Town & Taluk,
Krishnagiri District.

... Respondents

PRAYER:-

This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to restore possession of the lands in Survey No.35/A3 measuring 1742.4sq.ft., of Hosur, Krishnagiri District or in the alternative to pay the compensation as on date for the lands belonging to the petitioners.

For Petitioners : Mr.Avinash Wadhwani
For Mr.V.Raghavachari

For Respondents : Mr.K.M.D.Muhilan
(for R1 & R4)
Government Advocate

Dr.R.Gowri (for R2 & R3)



O R D E R

The learned Government Counsel appearing on behalf of the respondents 1 and 3 brought to the notice of this Court that the subject land was acquired by the Government. Section 4(1) Notification was issued in G.O.Ms.No.788 dated 17.08.1980. Section 5(A) enquiry was conducted on 20.08.1980. Section 6 declaration was issued in G.O.Ms.No.647 dated 24.03.1983. Thereafter, an award was passed in Award No.15 of 1985 dated 06.11.1984. Consequently, the award amount was deposited in Court on 15.03.1989. The petitioners have not challenged the acquisition proceedings.

2. This being the factum, the relief sought for in the present writ petition to restore the possession of land, would not arise at all. As far as compensation is concerned, it was already deposited before the Special Court concerned on 15.03.1989 itself.

3. Further, the learned counsel for the petitioners admitted the fact that the petitioners purchased the subject property in the year 1991. However, the land was acquired by the Government even prior to his purchase. Therefore, the petitioners cannot raise a ground that acquisition was not done in their name. If at all the seller of the subject property has misrepresented or committed a fraud, then the petitioners have to initiate appropriate action against the seller of the property and as far as the relief sought for is concerned, the same cannot be granted in view of the fact that at the time of purchase of the property, the land was vested with the Government. Therefore, the petitioners if aggrieved, are at liberty to take action against the seller of the property, in the manner known to law.

4. With these observations, the writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Madras - 9.

2. The Managing Director,
TNHB, Hosur Town & Taluk,
Krishnagiri District.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Hosur, Krishnagiri District.
4. The Sub-Collector,
Hosur Town & Taluk,
Krishnagiri District.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.49342
+1cc to the Government Pleader, S.R.No.49476

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PMK(CO)
PBS/07/10/2021