



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.21080 OF 2014

AND

M.P.NO.1 OF 2014

1. Govindasamy
2. Palanisamy
3. Manickam
4. Pullatha
5. Myli

... Petitioners

-Vs-

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St., George,
Chennai - 600 009.
2. The Special Tahsildar (Land Acquisition),
Salem Neighbourhood Scheme,
Salem.
3. The Tamil Nadu Housing Board,
Represented by The Executive Engineer,
Salem Housing Unit,
Iyan Thirumaligai,
Salem - 8.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to letter No. 15720/LA4-2/2011-7 dated 06.05.2013 passed by the first respondent and quash the same, consequently direct the respondents to reconvey the land in S.No.42/1B1 extent of 0.27.5



Hectares and in S.No.42/1B3 extent of 0.28.5 Hectares to the petitioners.

WEB COPY

For Petitioners : Mr.M.Elango

For Respondents

For R1 & R2 : Mr.Richardson Wilson
Government Advocate

For R3 : Mr.I.Sathish
Standing Counsel

ORDER

This Writ Petition has been filed to call for the records relating to letter No. 15720/LA4-2/2011-7, dated 06.05.2013 passed by the first respondent and quash the same, consequently direct the respondents to reconvey the land in S.No.42/1B1 extent of 0.27.5 Hectares and in S.No.42/1B3 extent of 0.28.5 Hectares to the petitioners.

2. The property comprised in S.No.42/1B1 to an extent of 0.27.5 hectare and in S.No.42/1B3 to an extent of 0.28.5 hectare owned by the petitioners. The first respondent issued a notification under Section 4(1) of the Land Acquisition Act (herein after referred as "the Act") in G.O.Ms.No.879 dated 28.05.1991 for the purpose of construction of housing by the Tamil Nadu Housing Board. After publishing a declaration under Section 6(1) of the Act in G.O.Ms.No.447 dated 20.07.1992, the second respondent herein passed an award on 20.07.1994. The award amount also deposited before the Sub Court, Sankari, under Section 31(2) of the Act. Further the petitioners made representation to reconvey the subject land and same was rejected by the order impugned in this Writ Petition, dated 06.05.2013, for the reason that already scheme was implemented and the entire property has been developed and allotted to the general public. Aggrieved by the same, the petitioners filed this present Writ Petition.

3. Heard Mr.M.Elango, learned counsel appearing for the petitioners, Mr.Richardson Wilson, learned Government Advocate appearing for the respondents 1 & 2 and Mr.I.Sathish, learned Standing Counsel appearing for the third respondent.



4. On perusal of the counter affidavit filed by the second respondent revealed that after passing the award, the compensation amount of Rs.80,774/- has been deposited in Sub Court, Sankari, insofar as the subjection land is concerned, under Section 31(2) of the Act. The possession of the subject land was taken over and the same was handed over to the Tamil Nadu Housing Board on 15.11.1994. Thereafter, the entire revenue records were mutated and the Tamil Nadu Housing Board was also issued patta No.252. On reference under the Act, it is pending for determination of value of the property in L.A.O.P.No.47 of 1999 on the file of the Sub Court, Mettur.

5. In the mean time, the Tamil Nadu Housing Board obtained planning approval for the construction of 29 HIG and 40 MIG houses under the self finance scheme. Based on the Board's approval, the general public demand has been analyzed by making advertisement in the local Newspapers. As per the original approved layout No.LP/DTCT No.76/97, totally 410 houses were taken up by the Tamil Nadu Housing Board and all are allotted to the General Public and issued sale deeds to the allottees. Therefore, the first respondent rightly rejected the request of the petitioner and this Court finds no infirmity or illegality in the order passed by the first respondent.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary to Government,
The State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Special Tahsildar (Land Acquisition),
Salem Neighbourhood Scheme,
Salem.



3. The Executive Engineer,
The Tamil Nadu Housing Board,
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PMK (CO)
PBS/01/12/2021