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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26071 of 2019

M.Durai

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary of Government,
Housing and Urban Development Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Managing Director,
The Tamil Nadu Housing Board,
Nandhanam,
Chennai District.
3. The District Collector,
Chennai,
Chennai District.
4. The Special Tahsildar (LA),
Unit III TNHB Schemes,
Chennai - 35.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to re-convey the unutilized land in Survey No.86/14, Avvai Nagar, Thiruvannamiyur admeasuring 51 cents and survey No.98/6, Nethaji Nagar, Thiruvannamiyur admeasuring 15 cents acquired by Tamil Nadu Housing Board for past 30 years under Sec.48(b) and pass such or other orders as per the guidelines given by New Act Sec.20(101) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.



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For Petitioner : Mr.D.Mahadevan
For R1, R3 & R4 : Mr.G.Krishna Raja
Additional Government Pleader
For R2 : Mr.M.Baskar
Standing Counsel

ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus, directing the respondents to re-convey the unutilized land in Survey No.86/14, Avvai Nagar, Thiruvannamiyur admeasuring 51 cents and Survey No.98/6, Nethaji Nagar, Thiruvannamiyur admeasuring 15 cents acquired by Tamil Nadu Housing Board for the past 30 years under Sec.48(b).

2. Heard, Mr.D.Mahadevan, learned counsel appearing for the petitioner, Mr.G.Krishna Raja, learned Additional Government Pleader appearing for the respondents 1, 3 & 4 and Mr.M.Baskar, learned Standing Counsel appearing for the second respondent.

3. The case of the petitioner is that the petitioner made an application for re-conveyance of the property comprised in Survey No.86/14, Avvai Nagar, Thiruvannamiyur admeasuring 51 cents and Survey No.98/6, Nethaji Nagar, Thiruvannamiyur admeasuring 15 cents, as contemplated under Section 48(b) of the Land Acquisition Act on 22.02.2019 before the first respondent.

4. The learned counsel for the petitioner relied upon the order dated 08.03.2005 passed by the Hon'ble Division Bench of this Court in the Writ Appeal filed by similarly placed persons and the Hon'ble Division Bench of this Court directed the first respondent to consider their representation under Section 48(b) of the Land Acquisition Act, 1894.

5. Considering the above, the first respondent is directed to dispose of the petitioner's representation dated 22.02.2019, for re-conveyance of the land comprised in Survey No.86/14, Avvai Nagar, Thiruvannamiyur admeasuring 51 cents and Survey No.98/6, Nethaji Nagar, Thiruvannamiyur admeasuring 15 cents, after issuance of notice to the petitioner, by giving an opportunity of hearing to the petitioner and as well as the acquisition body, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Secretary of Government,
Housing and Urban Development Department,
Secretariat, Fort St. George
Chennai - 600 009.
2. The Managing Director,
The Tamil Nadu Housing Board,
Nandhanam,
Chennai District.
3. The District Collector,
Chennai, Chennai District.
4. The Special Tahsildar (LA),
Unit III TNHB Schemes,
Chennai - 35.

+1cc to Mr.D.Mahadevan, Advocate, S.R.No.69380
+1cc to the Government Pleader, S.R.No.69743

W.P.NO.26071 OF 2019

GPL(CO)
PBS/09/02/2022