



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.3170 of 2012

A.Muthulakshmi

: Petitioner

Vs.

1. The Chief Secretary,
Government of Tamil Nadu, St.George Fort, Chennai.
2. The District Collector, Madurai District.
3. The Land Acquisition Tahsildar, Madurai South
(Neighborhood Scheme), Madurai.
4. The Executive Engineer, Tamil Nadu Housing Board,
Ellis Nagar, Madurai. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondents to re-convey the land comprised in Survey No.89/10, measuring 30 cents in Thoppur Village in Madurai District, acquired from the petitioner by disposing the petitioner's representation, dated, 04.03.2010, under Section 48B of Land Acquisition Act.

For Petitioner	: Mr.R.Suriya Narayanan
For Respondents	: Mr.S.Angappan
	Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to reconvey the land that was acquired from the petitioner.

2. Heard Mr.R.Suriya Narayanan, learned counsel appearing on behalf of the petitioner and Mr.S.Angappan, learned Government Advocate appearing on behalf of the respondents.

3. It is seen from records that acquisition proceedings were initiated in the year 1985 and 4(1) notification was issued on 06.10.1985. Thereafter, 6 (1) declaration was made on 14.10.1986. The award enquiry was conducted and the award proceedings were also passed on 14.10.1988. Even during the award enquiry, it was attended by one Muthambalam, whose name was found in the revenue records. He had sold the property in favour of the petitioner. The compensation was fixed and not being satisfied, Section 18 reference was made and L.A.O.P.No.07 of 1995, was initiated before the Sub Court, Madurai and the compensation amount was also enhanced. The enhanced compensation amount was also deposited.



4. The fourth respondent / Tamil Nadu Housing Board has filed a counter affidavit and has taken a very specific stand that the property, which was acquired was also handed over to the Tamil Nadu Housing Board in order to proceed further with the Housing Scheme.

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5. The 3rd respondent has also filed a counter affidavit and has taken a very specific stand that the petitioner after having received the enhanced compensation has knocked the doors of this Court seeking for reconveyance of the land.

6. In the considered view of this Court, the relief sought for by the petitioner is not sustainable in law. The petitioner has received the enhanced compensation. The property has also been handed over to the Tamil Nadu Housing Board. A Division Bench Judgment of this Court in the case of the **Managing Director, Tamil Nadu Housing Board, Chennai-600 035 Vs. S.Ganjedran and another** reported in **(2010) 3 MLJ 643** has categorically held that the Government loses the right to consider reconveyance once the land has been handed over to the Tamil Nadu Housing Board, unless, the Government has forfeited the lands as provided under Section 16-B of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") and has taken back the possession. The same principles have been culled out by the subsequent Division Bench in the case of **Commissioner, Ambattur Municipality, Chennai-600 053 and Others Vs. Government of Tamil Nadu, represented by its Secretary, Housing and Urban Development Department, Chennai-600 009 and others** reported in **(2015) 5 MLJ 60**.

7. In the present case, the property has already vested with the Tamil Nadu Housing Board and therefore, there is no question of the Government exercising its powers under Section 48-B of the Act for reconveyance of the land. That apart, the counter affidavit filed by the third and fourth respondents makes it very clear that the property has been handed over to the Tamil Nadu Housing Board to proceed further to implement the scheme.

8. In view of the above, this Court does not find any merits in this Writ Petition and accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CSIII)

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/ /2021

Sub Assistant Registrar(CS)



tsg

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chief Secretary,
Government of Tamil Nadu, St.George Fort, Chennai.

2. The District Collector, Madurai District.

3. The Land Acquisition Tahsildar, Madurai South
(Neighborhood Scheme), Madurai.

4. The Executive Engineer, Tamil Nadu Housing Board,
Ellis Nagar, Madurai.

+1 CC to M/s.R.JANARTHANAN, Advocate (SR-17313[F] dated 23/04/2021)

+1 CC to M/s.SPL GP (SR-17357[F] dated 23/04/2021)

W.P. (MD)No.3170 of 2012

Dated:
22.04.2021

KB(18.06.2021) 3P 7C