

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1247 of 2022
and W.M.P.Nos.1340, 1343 and 1345 of 2022

1.G.Natarajan
2.G.Kanniappan
3.K.Jayanthi
4.K.Naresh Kumar
5.K.Ganesh

... Petitioners

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai 9.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The Chairman,
Tamil nadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai 600 035.

4.The Tahsildar,
Tamil Nadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai 600 035.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the 1st respondent in G.O.Ms.No.7 dated 03.07.2007 Housing and Urban Development Department and quash the same as illegal and unconstitutional and non est in law.

For Petitioner : Mr.R.S.Sivapriya

For Respondents : Mr.K.Karthikeyan
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records of the 1st respondent in G.O.Ms.No.7 dated 03.07.2007 Housing and Urban Development Department and quash the same as illegal and unconstitutional and non est in law.

2. The case of the petitioner is that the petitioners are the absolute owners of the property comprised in S.F.No.78/1B to an extent of 0.12.0 hectares in Parvatharajapuram Village, Ponnammallee Taluk, Thiruvallur District. While so, the 1st respondent herein had issued 4(1) notification under Land Acquisition Act, 1894 in G.O.(Ms) No.456, Housing and Urban Development Department dated 26.10.1999 and Section 6 Declaration in G.O (Ms.) No.492, Housing and Urban Development Department dated 06.12.2000 in respect of his lands for the purpose of development of Satellite Town by the Tamil Nadu Housing Board in Narasingapuram and Parvatharajapuram Villages. When it was challenged before this Court, the learned Single Judge quashed the land acquisition proceedings and it has attained finality and therefore, the benefit of the judgment would apply automatically to the case of the petitioner also. Further the farmers who were affected by the Land Acquisition proceedings have formed a Sangam and jointly made representation to release the subject matter of the lands. While so, the 4th respondent passed award and the petitioners also received the award amount. Thereafter the petitioners filed an application seeking enhancement of compensation before the competent Civil Forum. In the mean time, the Executive Engineer approached the petitioners to receive compensation amount and gave assurance to give house site and employment to the family members of the petitioners. Believing their words, the petitioners have received the amount, however they have not keeping their promise. Hence the petitioners are constrained to file the present writ petition, challenging the Government Order in G.O.(Ms.) No.7, Housing and Urban Development Department dated 03.01.2007.

3. The learned counsel appearing for the petitioners submitted that even after the payment of compensation, the petitioners are in continuous possession and enjoyment of the land and cultivating their lands. Further the acquisition notification issued by the acquisitioning authority was quashed by this Court in W.P.NO.38670 of 2002 and the judgment rendered by the learned Single Judge in the above said Writ Petition was

also upheld by the Hon'ble Division Bench in W.A.No.930 of 2004 and another batch of Writ Petitions were also quashed by this Court in W.P.NO.8924 of 2010 by an order dated 18.11.2021 and therefore when the land acquisition notification itself quashed by this Court, it is not open to the respondents to retain the portion of the lands without any authority and hence prays for appropriate orders.

4. The learned Government Advocate appearing for the respondents submitted that once the acquisition procedures completed and award amount been received by the petitioners, they have no locus standi to file the Writ Petition for quashing the Government Order issued in the year 2007 and hence prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it. Since no adverse orders are passed against the respondents, notice to them is not necessary.

6. Admittedly the 1st respondent herein had issued 4(1) notification under Land Acquisition Act, 1894 in G.O.(Ms) No.456, Housing and Urban Development Department dated 26.10.1999 and Section 6 Declaration in G.O (Ms.) No.492, Housing and Urban Development Department dated 06.12.2000 and received compensation during the year 2013. If at all the petitioners are having grievance, they would have challenged the 4(1) notification and 6 declaration, immediately after issuance of the said notification and declaration. Now after a lapse of two decades, the petitioner has filed this petition, challenging the acquisition proceedings. Further once the compensation has been received for the acquired lands, the land is belonging to the Government for public purpose and the petitioners are no longer owner of the property and therefore, the relief sought for by the petitioner cannot be considered.

7. For the reasons aforesaid, this Writ Petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Housing and Urban Development Department,
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2.The District Collector,
Thiruvallur District,
Thiruvallur.

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Chennai 600 035.

+1cc to Mr.C.Veeraraghavan, Advocate SR.No.5829

+1cc to the Government Pleader SR.No.6497

W.P.No.1247 of 2022

GP(CO)

GN(10/03/2022)