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W.P.Nos.13402, 12409, 12510 & 3075 of 20...

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.Nos.13402, 12409, 12510 & 3075 of 2013
and M.P.Nos.2 & 5 of 2013 in W.P.No.3075 of 2013
and M.P.Nos.1 & 2 of 2013 in W.P.No.13402 of 2013**

1.S.Santha

2.Sampath

...Petitioners in W.P.No.13402 of 2013

3.Belaraman Varghees

...Petitioner in W.P.No.12409 of 2013

4.Mrs.Vinni

...Petitioner in W.P.No.12510 of 2013

5.P.Krishnan

6.D.Anbu

...Petitioners in W.P.No.3075 of 2013

Versus

1.The Government of Tamilnadu

Rep. by its Secretary to Govt.

Housing & Urban Development Department,
Fort St.George, Chennai – 9.

2.The Tamil Nadu Housing Board,

Rep. by its Chairman & Managing Director,
Nandanam, Anna Salai,
Chennai – 600 035.



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3.The Executive Engineer and
Administrative Officer,
Vellore Housing Unit,
No.7th Road, Bharathi Nagar,
Phase – I, Sathuvachari,
Vellore – 632 009.

4.The District Collector,
Office of the District Collector,
Vellore – 632 009.

5.The Special Tahsildar (LA),
Housing Neighbourhood Scheme,
Ranipet – 632 401,
Vellore District.

...Respondents 1 to 5 in all W.Ps

6.The Deputy Director,
Town & Country Planning,
Vellore Division,
No.239, Part II, Sathuvachari,
Vellore – 632 009.

...6th respondent in W.P.Nos.13402,
12409 & 12510 of 2013

Prayer in W.P.No.13402 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings of the first respondent in Letter No.17272/LA-2-1/2012-4 dated 8.10.2012 quash the same and consequently, directing the first respondent to reconvey the land of an extent of 0.53 acre comprised in Survey No.2089 and 2105 situated at Wallajapet, Vellore District to the petitioners.



Prayer in W.P.No.12409 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings of the first respondent in Letter No.17270/LA-2(1)/2012-2 dated 1.10.2012 and quash the same and consequently, directing the first respondent to reconvey the land of an extent of 1.13 acre comprised in Survey Nos.2119, 2121, 2122, 2118, 2123 situated at Wallajapet, Vellore District to the petitioner.

Prayer in W.P.No.12510 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings of the first respondent in Letter No.17298/LA-2(1)/2012-4 dated 1.10.2012 and quash the same and directing the first respondent to reconvey the land of an extent of 1.85 acre comprised in Survey Nos.2119, 2120, 2121, 2122, 2123/1 situated at Wallajapet, Vellore District to the petitioner.

Prayer in W.P.No.3075 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings of the first respondent in Letter No.17269/LA-2-1/2012-3 dated 8.10.2012 quash the same and directing the first respondent to withdraw from acquisition or transfer the land of an extent of 0.37 acre comprised in Survey No.2101 situated at Wallajapet,



Vellore District to the petitioners.

(Prayer amended as per order dated 20.02.2013 made in M.P.No.3 of 2013

in W.P.No.3075 of 2013)

For Petitioners

in all W.Ps

: Mr.R.N.Amarnath

For Respondents – 1, 4 to 6

in all W.Ps

: Mr.U.Baranidharan,
Additional Govt. Pleader

For Respondents – 2 & 3

in all W.Ps

: Mr.C.Kalaichelvan

COMMON ORDER

These writ petitions have been filed by the petitioners challenging the proceedings issued by the first respondent in Letter Nos.17272/LA-2-1/2012-4 dated 08.10.2012, 17270/LA-2(1)/2012-2 dated 01.10.2012, No.17298/LA-2(1)/2012-4 dated 01.10.2012 and 17269/LA-2-1/2012-3 dated 08.10.2012 respectively.

2. The learned counsel for the petitioners submitted that the petitioners gave an individual representation dated 25.07.2012 to the first respondent requesting to reconvey their lands to them under Section 48-B of



the Land Acquisition Act 1894 (hereinafter referred to as 'Act'). However, the first respondent did not pass any orders on their representation. Hence, the aggrieved petitioners filed four separate writ petitions in W.P.Nos.21976, 21491, 21492 & 24738 of 2012 before this Court, praying to direct the first respondent to reconvey their lands by exercising their powers under Section 48-B of the Act.

2.1. While the aforesaid W.P.Nos.21976, 21491, 21492 & 24738 of 2012 were pending before this Court, the first respondent vide respective proceedings in Letter Nos.17272/LA-2-1/2012-4 dated 08.10.2012, 17270/LA-2(1)/2012-2 dated 01.10.2012, 17298/LA-2(1)/2012-4 dated 01.10.2012 and 17269/LA-2-1/2012-3 dated 08.10.2012, rejected the request of the petitioners. Hence, this Court has closed the aforesaid W.P.Nos.21976, 21491, 21492 & 24738 of 2012 with liberty to the petitioners to challenge the above mentioned proceedings issued by the first respondent, if they are so advised.

2.2. Challenging the aforesaid proceedings of the first respondent, the petitioners have filed the present writ petitions before this Court.



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During the pendency of these writ petitions, the petitioners filed another four writ petitions in W.P.Nos.5820, 5954, 5956 & 5953 of 2014 before this Court praying to declare that the land acquisition proceedings initiated under the Act with respect to the lands belonging to them as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013). However, the said W.P.Nos.5820, 5954, 5956 & 5953 of 2014 were dismissed by this Court on 20.01.2016, as against which, the petitioners have filed separate writ appeals in W.A.Nos.192 of 2017, 1540 of 2016, 1542 of 2016 & 191 of 2017 and the same are pending before the Division Bench of this Court. Therefore, no further orders are required in these petitions.

3. In view of the above submissions made by the learned counsel for the petitioners, these writ petitions are dismissed as having become infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

13.10.2022

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Index : Yes/No



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M.DHANDAPANI, J.

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