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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13428 of 2013

and

W.M.P.No.1 of 2013

E.Mariyappan

...Petitioner

Vs.

1. State of Tamilnadu
Represented by its Secretary to Government,
Highways Department,
Fort Saint George,
Chennai-600009.
2. The District Collector,
District Collectorate,
Tiruvallur,
Tiruvallur District.
3. The Divisional Engineer,
Project Division-1,
Department of Highways,
Chennai-600 016.
4. The Special Tahsildar, (Land Acquisition),
M.M.R.D. Schemes,
Saidapet, Chennai-6000015.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to re-convey or hold the Land Acquisition proceeding as lapsed of the land in Survey No.45/2A 1 Manjapakkam Village, Ambattur Taluk, Tiruvallur District (Formerly Chengai M.G.R District) measuring a total extent of 0.35 cents to the petitioner as per the negotiation of land acquisition of in the alternative to pay compensation to the petitioner in accordance with the provision of the New Act (30 of 2013). (Prayer amended vide order dated 26.10.2021 made in WMP.24316/2021 in WP.13428/2013 by GKIJ).

For Petitioner : Mr.T.Vijay



For Respondents

: Mr.Muthusamy.M
Government Advocate

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O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to re-convey or hold the Land Acquisition proceeding of the land in Survey No.45/2A 1 Manjapakkam Village, Ambattur Taluk, Tiruvallur District (Formerly Chengai M.G.R District) measuring a total extent of 0.35 cents to the petitioner.

2. The case of the petitioner is that the above said property was originally owned by the father of the petitioner and after his demise, the petitioner himself bequeathed the said property as their only legal heir. While such being so, the land acquisition proceedings were initiated in the year 1982 and the said lands were acquired by the Government for the purpose of laying road (M.M.R.D. Scheme) and award was passed on 20.11.1987. Thereafter, the said acquisition proceedings were dropped by the 1st respondent and separate acquisition proceedings were initiated for formation of inner ring road during the year 1992 for which, certain lands were acquired including the petitioner's land. At the time of acquiring the said land, the Government had assured to re-convey the petitioner's land that was acquired previously for the purpose of M.M.R.D. Scheme. Pursuant to the request of the petitioner to re-convey his land acquired by the Government, the respondents directed the 4th respondent to initiate the process of re-conveying the un-utilized land acquired by the Government. Thereafter, representation dated 25.06.2012 was made before the Chief Minister of Tamil Nadu and the same was forwarded to the 2nd respondent. However, till date no order was passed on the representation. Aggrieved by the same, this Writ Petition is filed.

3. The learned counsel for the petitioner submitted that the petitioner's land was acquired by the Government under land acquisition and thereafter the possessed land was not utilized by the Government for which, representation was made before the respondents and the same was not considered. Hence, it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation for re-conveyance of the disputed land acquired by the Government within a reasonable time as fixed by this Court.



4. The learned Government Advocate appearing for the respondents has no objection in the order being passed by this Court.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the petitioner to produce the copy of the representation made along with this order copy before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such copies, the 2nd respondent is directed to consider the same in accordance with law and pass appropriate orders after affording opportunity of hearing to the aggrieved party, if any, within a period of ten weeks after such production by the petitioner.

6. This writ petition is accordingly disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Highways Department,
Fort Saint George,
Chennai-600009.
2. The District Collector,
District Collectorate,
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Tiruvallur District.
3. The Divisional Engineer,
Project Division-1,
Department of Highways,
Chennai-600 016.



4. The Special Tahsildar, (Land Acquisition),
M.M.R.D. Schemes,
Saidapet, Chennai-600 015.

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+1 CC to Mr.T.Vijay, Advocate sr 14869

W.P.No.13428 of 2013
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AJS (CO)
SP (24/03/2022)