



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.4963 of 2022

C.Thangamani

... Petitioner

Vs.

1. The Principal Secretary &
The Commissioner of Land Records,
Ezhilagam, Chepauk, Chennai 600 005.
2. The District Collector,
Salem District Collectorate,
Salem.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus read with Section-101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 & Section-20 of the Rules 2017, directing the respondent-2 herein, to take possession of the unutilised land fix cost excluding solatium in the Mecheri Rural Housing Society Colony Ltd [No-S-1098] and consequently handover the same to the petitioner herein upon payment of cost as determined.

For Petitioner : Mr.K.S.Narayanan

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 2nd respondent herein to take possession of the unutilised land and fix cost excluding solatium in the Mecheri Rural Housing Society Colony Ltd [No-S-1098] and consequently handover the same to the petitioner herein upon payment of cost as determined.

2. The case of the petitioner is that the petitioner's father is the owner of the property and the Government had



acquired his land/site on behalf of the Housing Society for the purpose of constructing roads, parks, market shops, school playground and other public amenities, etc. The contention of the petitioner is that a certain portion of land is still vacant, which is neither allotted to anyone nor to the Bank. Further, he submits that the land was acquired under Section 101, of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Redemption Act, 2013, which reads, that when any land acquired under this Act, remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or their legal heirs. Therefore, the petitioner has made a representation dated 03.07.2021 before the 1st and 2nd respondents, to return the unutilised acquired land to the owner or their legal heirs. Thereafter, the 1st respondent/Commissioner of Land Records, by letter bearing No-J2/1318070/2021 dated 30.07.2021, instructed the District Collector, Salem to take necessary action on the representation made by the petitioner. However, till date, no order has been passed. Hence, the present Writ Petition is filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 03.07.2021 and pass orders on the same within a particular time frame that may be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the petitioner's representations dated 03.07.2021 and pass appropriate orders on merits and in accordance with law in the light of the letter forwarded by the 1st respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar



jd/skt

To

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1. The Principal Secretary &
The Commissioner of Land Records,
Ezhilagam, Chempauk, Chennai 600 005.
2. The District Collector,
Salem District Collectorate,
Salem.

+2cc to Mr.K.S.Narayanan, Advocate, S.R.No.14462
+1cc to the Government Pleader, S.R.No.15512

W.P. No.4963 of 2022

MT (CO)
SB (29/03/2022)