



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.6818 of 2022

M.P.Sri Ravi Chandira Varma

...Petitioner

Versus

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Housing and Urban Development,
Fort St. George,
Chennai - 600 009.

2.The Tamil Nadu Housing Board,
Rep. By its Managing Director,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

3.The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board (Salem Division),
Salem - 636 008.

4.The Special Tahsildar (L.A.)
Neighbourhood Scheme,
Tamil Nadu Housing Board Office Complex,
Salem - 636 008.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records of the 3rd respondent vide Letter No.Ni.A.1/17097/82, dated 20.01.2022 and quash the same as illegal and direct the respondents to enhance the award amount to the S.Nos.72/2A and 72/3A.

For Petitioner : Ms.Radhika Boopathi

For Respondents : Mr.M.Murali,
Govt. Advocate for R1 & R4
Mr.I.Sathish
for TNHB for R2 & R3



ORDER

This writ petition has been filed to call for the records of the 3rd respondent vide Letter No.Ni.A.1/17097/82, dated 20.01.2022 and quash the same as illegal and direct the respondents to enhance the award amount to the S.Nos.72/2A and 72/3A.

2. The case of the petitioner is that his grandfather was the owner of the subject property and he was doing agricultural activities in the said property. After his demise, the petitioner and other legal heirs inherited the property and were continuing to do agricultural activities in the property. It is averred that 3rd and 4th respondents have acquired his lands and thereafter passed Award in the year 1988 and the award amount was also deposited before the Sub-Court, Sankari. In such circumstances, he filed writ petition before this Court in W.P. No.14198 of 2020 ventilating all the aforesaid grievances and sought for the benefits under Section 24 (2) of the Act. This Court by its order dated 28.10.2020 dismissed the said writ petition stating that the possession of the said property was handed over to the Housing Board in the year 1989 itself, as such the petitioner is not entitled for the relief sought for by him. Subsequent to dismissal of writ petition, he submitted representation, dated 03.01.2022 to the respondents, seeking for enhancement of compensation. Thereafter, the 3rd respondent passed the impugned order dated 20.01.2022 rejecting the request of the petitioner for enhancement of compensation, as the time limit prescribed under the Act has got lapsed. Aggrieved over the same, this writ petition has been filed.

3. Learned counsel for the petitioner submits that his lands have been acquired without issuing any notice. Further, he submits that though the respondents claimed that physical possession of the petitioner's land was taken on 14.12.1989, it is the grievance of the petitioner that he and his family members were utilising the said land for agricultural purposes till June 2020, for which the respondents have not raised any objection. Hence, he vehemently opposes the stand taken by the 3rd respondent in respect of rejection of claim of the petitioner for enhancement of compensation, which is arbitrary and against the principles of natural justice. Therefore, he prays for issuance of appropriate directions from this Court in the above regard.

4. Replying to the contention raised by the learned counsel for the petitioner, Mr.M.Murali, learned Government Advocate appearing for respondents submits that notice under Sections 9 (1) and 12(2) of the Act were sent to the petitioner, whereas, the petitioner has not appeared for the enquiry, while passing the Award in the year 1988. Further, he submits that the Award amount was deposited in Sub Court, Sankari and thereafter mutation of revenue records in favour of the Housing Board was also effected i.e., Patta No.222 was assigned as early on 21.09.1988 and possession of the petitioner's lands were also



taken over by the respondents. Hence, it is his contention, that the petitioner has approached the respondents seeking for enhancement of award, belatedly and accordingly, the order passed by the 3rd respondent does not suffer any illegality. On the aforesaid score, he prays for dismissal of this writ petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Referring to the submission made by the learned Government Advocate appearing for respondents, the learned counsel for the petitioner submitted that copy of the award has not been communicated as provided u/s 12 (2) of the Land Acquisition Act. To such a contention, learned Government Advocate fairly submitted that the respondents may be directed to serve a copy of the same to the petitioner.

7. In view of the fair stand taken by the learned Government Advocate appearing for respondents, without going into the merits of the case, this Court directs the 4th respondent to furnish a copy of the said Award to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the petitioner is granted liberty to file appropriate application before the competent authority and thereafter, the 4th respondent shall refer the matter in terms of Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for re-determination of compensation.

With the aforesaid directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1.The Secretary to Government,
Housing and Urban Development,
Fort St. George,
Chennai - 600 009.

2.The Managing Director,
The Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.



3.The Executive Engineer & Administrative Officer,
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4.The Special Tahsildar (L.A.)
Neighbourhood Scheme,
Tamil Nadu Housing Board Office Complex,
Salem - 636 008.

+lcc to Ms.Radhika Boopathy, Advocate SR. No. 27047
+lcc to Government Pleader SR. No. 28162
+lcc to Mr.I.Sathish, Advocate SR. No. 26849

W.P. No.6818 of 2022

KV (CO)
PR (31/05/2022)