



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos. 35214 to 35231 of 2012
and

M.P.Nos 1 of 2012 (18), 2 of 2012 (18)

C.Sampathkumar	...Petitioner in W.P.No.35214 of 2012
T.P.Chinnasamy	...Petitioner in W.P.No.35215 of 2012
P.Muthusamy	...Petitioner in W.P.No.35216 of 2012
M.Mahalingam	...Petitioner in W.P.No.35217 of 2012
C. Ramasamy	...Petitioner in W.P.No.35218 of 2012
R.Gopalakrishnan	...Petitioner in W.P.No.35219 of 2012
R.P.Ramasamy	...Petitioner in W.P.No.35220 of 2012
R.Muthusamy	...Petitioner in W.P.No.35221 of 2012
R.Kumarasamy	...Petitioner in W.P.No.35222 of 2012
C.Muthusamy	...Petitioner in W.P.No.35223 of 2012
C.Poornasamy	...Petitioner in W.P.No.35224 of 2012
A.Duraisamy	...Petitioner in W.P.No.35225 of 2012
T.C.Eswari & Rajeshwary	...Petitioner in W.P.No.35226 of 2012
C.Krishnamoorthy	...Petitioner in W.P.No.35227 of 2012
C.Ramasamy	...Petitioner in W.P.No.35228 of 2012
C.Sakthivel	...Petitioner in W.P.No.35229 of 2012
V.Kalyani	...Petitioner in W.P.No.35230 of 2012
T.R.Ramasamy	...Petitioner in W.P.No.35231 of 2012

Vs.

1. The State of Tamilnadu
Rep. By its Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai 600 009.
2. The Chairman/Managing Director,
Tamilnadu Housing Board,
Nandanam,
Chennai 600 035.
3. The Executive Engineer and
Administrative Officer,
Tamilnadu Housing Board,
Erode Housing Unit,
Erode 638 009.

... Respondents in all Wps



Prayer in 35214 to 35231 of 2012

Writ Petition filed under Section 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders made in Lr. No. 33442/ LA3(1)/ 06-8 dated 17.4.2008 on the file of the 1st respondent and consequential order made in Lr.No. LA-1/8881/91 dated 15.3.2011 on the file of the 3rd respondent quash the same and consequently direct the respondents to exclude petitioners agricultural lands measuring an extent of 1.50, 2.25, 2.25,1.50 acres respectively, comprised in S.No.13/3 13/3B 14/6 and 16/1 Muthampalayam Village Erode Taluk Erode District from the purview of the acquisition proceedings by considering the representation dated 25.2.2011 afresh in W.P.No. 35214 to 35217 of 2012 respectively.

Writ Petition filed under Section 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders made in Lr. No. 33442/ LA3(1)/ 06-8 dated 17.4.2008 on the file of the 1st respondent and consequential order made in Lr.No. LA-1/8881/91 dated 15.3.2011 on the file of the 3rd respondent quash the same and consequently direct the respondents to exclude petitioners agricultural lands measuring an extent of 3 acres comprised in S.No.13/4 18/1 13/3 and 18/4 Muthampalayam Village Erode Taluk Erode District from the purview of the acquisition proceedings by considering the representation dated 25.2.2011 afresh in W.P.No. 35218 & 35219 of 2012.

Writ Petition filed under Section 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders made in Lr. No. 33442/ LA3(1)/ 06-8 dated 17.4.2008 on the file of the 1st respondent and consequential order made in Lr.No. LA-1/8881/91 dated 15.3.2011 on the file of the 3rd respondent quash the same and consequently direct the respondents to exclude petitioners agricultural lands measuring an extent of 2.50,1.25 and 1.25 Acres respectively, comprised in S.No.20/3 and 20/2 Muthampalayam Village Erode Taluk Erode District from the purview of the acquisition proceedings by considering the representation dated 25.2.2011 afresh in W.P.No. 35220 to 35222 of 2012 respectively.

Writ Petition filed under Section 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders made in Lr. No. 33442/ LA3(1)/ 06-8 dated 17.4.2008 on the file of the 1st respondent and consequential order made in Lr.No. LA-1/8881/91 dated 15.3.2011 on the file of the 3rd respondent quash the same and consequently direct the respondents to exclude



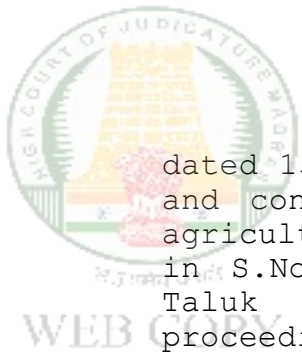
petitioners agricultural lands measuring an extent of 0.50 Acres comprised in S.No.14/4 Muthampalayam Village Erode Taluk Erode District from the purview of the acquisition proceedings by considering the representation dated 25.2.2011 afresh in W.P.No. 35223 to 35224 of 2012.

Writ Petition filed under Section 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus Calling for the records relating to the impugned orders made in Lr.No.33442/ LA3(1)/06-8 dated 17.4.2008 on the file of the 1st respondent and consequential order made in Lr.No.LA-1/ 8881/91 dated 15.3.2011 on the file of the 3rd respondent quash the same and consequently direct the respondents to exclude petitioner agricultural lands measuring an extent of 0.50 Acres comprised in S.No.14/3 Muthampalayam Village Erode Taluk Erode District from the purview of the acquisition proceedings by considering the representation dated 25.2.2011 afresh in W.P.No. 35225 of 2012.

Writ Petition filed under Section 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus Calling for the records relating to the impugned orders made in Lr.No.33442/ LA3(1)/06-8 dated 17.4.2008 on the file of the 1st respondent and consequential order made in Lr.No.LA-1/ 8881/91 dated 15.3.2011 on the file of the 3rd respondent quash the same and consequently direct the respondents to exclude petitioner agricultural lands measuring an extent of 1.20 Acres comprised in S.No.14/1 & 14/2 Muthampalayam Village Erode Taluk Erode District from the purview of the acquisition proceedings by considering the representation dated 25.2.2011 afresh in W.P.No. 35226 of 2012.

Writ Petition filed under Section 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus Calling for the records relating to the impugned orders made in Lr.No.33442/ LA3(1)/06-8 dated 17.4.2008 on the file of the 1st respondent and consequential order made in Lr.No.LA-1/ 8881/91 dated 15.3.2011 on the file of the 3rd respondent quash the same and consequently direct the respondents to exclude petitioner agricultural lands measuring an extent of 0.25 Acres comprised in S.No.14/2 and 15/4 Muthampalayam Village Erode Taluk Erode District from the purview of the acquisition proceedings by considering the representation dated 25.2.2011 afresh in W.P.No. 35227 to 35230 of 2012.

Writ Petition filed under Section 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus Calling for the records relating to the impugned orders made in Lr.No.33442/ LA3(1)/06-8 dated 17.4.2008 on the file of the 1st respondent and consequential order made in Lr.No.LA-1/ 8881/91



dated 15.3.2011 on the file of the 3rd respondent quash the same and consequently direct the respondents to exclude petitioner agricultural lands measuring an extent of 2.25 Acres comprised in S.No.13/2B 13/3B and 14/1 Muthampalayam Village Erode Taluk Erode District from the purview of the acquisition proceedings by considering the representation dated 25.2.2011 afresh in W.P.No. 35231 of 2012.

Appearance in all W.Ps

For Petitioner : M/S.N.Manokaran

For R1 : Mr.R.P.Murugan Raja
Government Advocate

For R2, R3 : Mr.I.Sathish, SC FOR TNHB

COMMON ORDER

Since the issue involved and the relief sought for in all these eighteen Writ Petitions are identical in nature, the same were heard together and disposed of by this common order.

2. The case of the petitioners is that their lands were acquired by the Government under the provisions of the Land Acquisition Act, 1894 for formation of Neighbourhood Scheme. Therefore, the petitioners made an application for re-conveying the land under Section 48-B of the said Act. However, the said request was rejected by the respondents. Challenging the same, these Writ Petitions are filed.

3. The learned counsel for the petitioner submitted that during the pendency of these Writ Petitions, the petitioner has filed another Writ Petition in W.P.No.31480 of 2014, seeking for issuance of a Writ of Declaration, declaring that the land acquisition proceedings initiated by the respondents under the Land Acquisition Act, 1894 in respect of the petitioners' respective lands in Muthampalayam Village in Erode Taluk and District, stand lapsed, in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and the said Writ Petition was allowed on 21.10.2021.

4. In view of the above submission made by the learned counsel for the petitioner, these Writ Petitions are closed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



jd/nhs

To

WEB COPY

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai 600 009.
2. The Chairman/Managing Director,
Tamilnadu Housing Board,
Nandanam,
Chennai 600 035.
3. The Executive Engineer and
Administrative Officer,
Tamilnadu Housing Board,
Erode Housing Unit,
Erode 638 009.

+18ccs to M/S.N.Manokaran, Advocate, S.R.No.18894
+1cc to Mr.I.Sathish, Advocate, S.R.No.18236
+1cc to the Government Pleader, S.R.No.18837

W.P.Nos. 35214 to 35231 of 2012 and
M.P.Nos 1 of 2012 (18), 2 of 2012 (18)

AJS (CO)
CT 24/05/2022