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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7727 of 2022

1.Manoranjitham
2.Vijayakumar
3.Gomathi

... Petitioners

Vs.

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

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

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to reconvey the lands of an extent of 4.64 acres comprised in S.No.77 belonging to the father of the second and third petitioners and husband of the first petitioner Viz. deceased M.Madhaian situated at Edapadi Village, Sangagiri Taluk, Salem District U/s 48-B of the Land Acquisition Act, 1894 on the basis of the representation of the petitioners dated 01.02.2022.

For Petitioners: Mr.V.Elangovan

For Respondents: Mr.V.Veluchamy for R1
Additional Government Pleader

Mr.I.Sathish for R2
for TNHB



O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to reconvey the lands of an extent of 4.64 acres comprised in S.No.77 belonging to the father of the second and third petitioners and husband of the first petitioner Viz. deceased M.Madhaian situated at Edapadi Village, Sangagiri Taluk, Salem District U/s 48-B of the Land Acquisition Act, 1894 on the basis of the representation of the petitioners dated 01.02.2022.

2.The learned counsel appearing for the petitioners submitted that it would suffice, if this Court issues direction to the respondents to consider the representation of the petitioners dated 01.02.2022 and to pass appropriate orders, within a reasonable time frame.

3.The learned Additional Government Pleader appearing for the first respondent submitted that for the very same relief, the husband of the first petitioner and father of petitioners 2 and 3 filed W.P.No.49865 of 2006 before this Court and this Court vide order dated 21.12.2006, directed the respondents to consider his representation within a time frame and pursuant to the order of this Court dated 21.12.2006 made in the said writ petition, the first respondent vide order dated 24.04.2007 rejected his request seeking re-conveyance of his lands and copy of the said order was also served to him. The petitioners instead of challenging that order has filed this writ petition for the very same relief, which is un-sustainable one.

4.Considering the fact that for the very same relief, already the husband of the first petitioner and father of petitioners 2 and 3 filed W.P.No.49865 of 2006 before this Court and this Court vide order dated 21.12.2006, directed the respondents to consider his representation within a time frame and pursuant to the order of this Court dated 21.12.2006 made in the said writ petition, the first respondent vide order dated 24.04.2007 rejected his request seeking re-conveyance of his lands and copy of the said order was also served to him, the relief sought for in this writ petition cannot be considered.

5.The writ petition is accordingly dismissed. However, the petitioners are at liberty to work out their remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



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To

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

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

+lcc to Mr.I.Sathish, Advocate, S.R.No.22489
+lcc to Mr.S.Doraisamy, Advocate, S.R.No.22040
+lcc to the Government Pleader, S.R.No.22709

W.P.No.7727 of 2022

SPD(CO)
CB(20/04/2022)