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W.P.No.2652 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.2652 of 2016

1.M.Moorthy
2.M.Saratha
3.M.Vajiravel
4.S.Lakshmi
5.M.Venkatesh
6.K.Kannammal

.. Petitioners

Vs.

1.The State Government of Tamil Nadu
rep.by its Principal Secretary,
Energy C-1 Department,
Fort st.George,
Chennai 600 009.

2.The District Collector,
Vellore District Collectorate,
Vellore District.

3.The Revenue Divisional Officer cum
Land Acquisition Officer,
Vellore, Vellore District.

4.The Tahsildar,
Katpadi Taluk,
Vellore District.



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5.Power Grid Corporation of India Ltd.,
rep.by its Chief Manager,

Mr.V.Saravanan

.. Respondents

(R5 impleaded vide order dated 16.11.2022
made in WMP.No.16657/2017)

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying of issuance of Writ of Mandamus directing the respondent to re-convey the property to the petitioners with the extent of measuring in survey numbers 91/14C to an extent of 0.07.0, 91/14D - 0.06.0 , 91/14F – 0.13.5, 91/16B – 0.13.0, 91/17B – 0.13.0, 92/1 - 0.60.0 and 93/5 – 0.16.0, Ilyanallur Village, Katpadi Taluk, Vellore District.

For Petitioner : Mr.V.Pavel

For RR1 to 4 : Mr.U.Baranidharan
Additional Government Pleader

For RR5 : Mr.Kalyanaraman for M/s.Aiyar and Dolia

ORDER

The petitioner has filed this petition for issuance of writ of Mandamus directing the respondent to re-convey the property to the petitioners situated at Ilyanallur Village, Katpadi Taluk, Vellore District.

2. The case of the petitioners is that they are the resident of Ilyanallur Village, Katpadi Taluk, Vellore District in S.F.Nos.91/14C,



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91/14D , 91/14F, 91/16B, 91/17B, 92/1, and 93/5 and they are in absolute possession and enjoyment of the said property by way of legal heirship. While so, the property was proposed to acquire along with some other properties and the acquisition proceedings were initiated by the respondents to establish sub station for the distribution of the energy by the Power Grid Corporation of India and subsequently the proposed land were also acquired by the said Public Company. Further on 15.07.2013, the respondents 3 and 4 came to their landed property and attempted to interfere in the petitioners' land for earmarking and putting up of the compound wall. Hence, the petitioners had approached this Court by filing writ petitions and obtained an order of interim injunction. Thereafter, the official respondents fenced the acquired landed property by excluding the properties which are all subject matters of the writ petitions, however they never cared to re-convey the properties concerned under Section 48B of Central Land Acquisition Act, 1894. Hence, on 06.08.2012, the petitioners approached the office of the 2nd respondent with written



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representation, however the same has been refused. Aggrieved by the same, the petitioners are before this Court.

3. The learned counsel appearing for the petitioners submitted that it would suffice if this Court issues direction to the respondents to consider the petitioners' claim for reconveyance of the subject lands under Section 48B of the Land Acquisition Act, 1894.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the entire Land Acquisition Act, 1894 itself was repealed and replaced by the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and there is no provision available under the newly enacted Act for reconveyance of the property and further in the absence of provision for reconveyance, the prayer sought for by the petitioners could not be granted and hence prays for dismissal of this petition.



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5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. Though the petitioners have filed the present petition for reconveyance of the land under Section 48B of the Land Acquisition Act, the said Act itself was repealed by way of Act 30 of 2013 and therefore, as rightly submitted by the learned Additional Government Pleader, there is no provision available for reconveyance of the subject lands to the petitioners. Hence, in the absence of provisions under law, the prayer sought for by the petitioners cannot be granted.

7. In view of the above, this writ petition is dismissed. No costs.

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M.DHANDAPANI,J.

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To
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