



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

The Hon'ble Mr. Justice T.RAJA

and

The Hon'ble Mr. Justice SATHI KUMAR SUKUMARA KURUP

W.A.No.1602 of 2014

1.P.R.Nataraja Krishnan (Deceased)

: Appellant/Petitioner

2.N.Parvathy

3.P.N.Radhakrishnan

4.P.N.Kamalakrishnan

: Appellants

[Appellants 2 to 4 brought on record as the legal representatives of the deceased sole appellant vide Court order dated 17.06.2021 made in CMP No.8568 of 2021 in W.A.No.1602 of 2014]

Vs

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

2. The Collector,
Thiruvallur District.

3. The Tamil Nadu Housing Board,
Rep. by its Chief Revenue Officer,
493, Anna Salai,
Nandanam, Chennai - 600 035.

4. The Special Tahsildar,
Land Acquisition,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

: Respondents/Respondents



Prayer : Appeal preferred under Clause 15 of Letters Patent against the order dated 17.12.2012 made in W.P.No.5436 of 2009.

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Prayer in W.P.No.5436 of 2009: Writ Petition filed under Article 226 of the Constitution of India praying that this Hon'ble Court to pass a writ of certiorarified Mandamus or any other writ or order of like nature, calling for the records culminating in Letter LA No.3(1)/43042/08 dated 18.02.2009 of the 3rd Respondent and to quash the same and direct the 3rd respondent to release the petitioner land comprised in S.No.428/1 measuring 0.45.0 Hectares and in S.No.440/2 measuring 0.20.5 Hectares in Ponneri Village and permit him to continue peaceful possession and enjoyment of his agricultural lands comprised in S.No.428/1 measuring 0.45.0 Hectares and in S.No.440/2 measuring 0.20.5 Hectares in Ponneri Village.

For Appellants : Mr.R.S.Varadarajan

For Respondents
1, 2 & 4 : Mr.K.Karthik Jaganathan
Government Advocate

For Respondent 3 : Dr.R.Gouri
Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by T.RAJA, J.)

This Writ Appeal has been filed questioning the correctness of the impugned order dated 17.12.2012 passed in W.P.No.5436 of 2009 refusing the request of the appellant for re-conveyance of the lands on the ground that the lands in question are required for housing purpose and 450 flats are to be constructed in the entire area.

2.The grievance of the petitioner in the Writ Petition was that though the lands of the appellants were acquired for the purpose of constructing the houses by the Housing Board, the said lands were not utilised by the Housing Board for the purpose for which they were acquired. Hence, the appellants came to this Court seeking this Court to release the land from the acquisition proceedings.



3. When the matter was taken up for hearing, Mr. R. S. Varadarajan, learned Counsel appearing for the appellants fairly submitted that as per the recent judgement of the Hon'ble Apex Court, once the compensation has been deposited by the Government, the land acquisition proceedings cannot be further challenged.

4. Mr. Karthik Jaganathan, learned Government Advocate appearing for the respondents 1, 2 and 4 would submit that the possession has been taken by the Housing Board on 16.11.2000 followed by the depositing of entire compensation amount and therefore, the purpose for which the lands of the appellants were acquired has been utilised for the said purpose by making due layout and the same also has been developed as 450 flats. Secondly, all the revenue records also have been transferred from the name of the Writ Petitioner/first Appellant to the name of the Housing Board.

5. In view of the fact that when the possession has been taken by the Housing Board on 16.11.2000 followed by the depositing of entire compensation amount and further the layouts have also been developed, nothing survives for further adjudication in this Appeal. Hence, the Writ Appeal is dismissed. Since the original land owner Mr. Natarajan passed away, his legal representatives are given liberty to approach the learned Sub Court, Ponneri, by filing application for withdrawal of compensation amount. If any application is made, the same shall be taken up and disposed of within a period of two weeks from the date of receipt of such application. No costs.

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

srm

To

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



2. The Collector,
Thiruvallur District.

3. The Chief Revenue Officer,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai - 600 035.

4. The Special Tahsildar,
Land Acquisition,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

Copy to

The Sub Judge,
Ponneri.

+1cc to M/s.Ram & Rajan Associates, Advocate, S.R.No.18975

W.A.No.1602 of 2014

SPD[co]
NSK 12/04/2022