



WP.No.20748 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

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THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.20748 of 2014
and M.P.No.1 of 2014

1 N.D.Raja

2 R.Jabakani

...

Petitioners

Vs

1. The Chairman
M/s.Tamil Nadu Housing Board,
Nandanam, Chennai-35.

2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-35.

3. The State of Tamil Nadu,
Rep. By the Secretary,
Housing and Urban Development Department,
Secretariat Chennai-9.
(R-3 impleaded as per order of this Court
dated 19.08.2014 vide M.P.No.2 of 2014
in W.P.no.20748 of 2014)

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to re-convey the land measuring 65 cents comprised in Survey No.291/2 situated at Sholinganallur Village and Taluk, Kancheepuram District to the petitioners or in the alternative to proceed with acquisition afresh in accordance with Act 30 of 2013 and to pay compensation to the petitioners working out the market value as on the date of fresh notification under Act 30 of 2013 that may be issued.

For Petitioner : Mr. K.G.Vasudevan

For Respondents : Mr. R.P.Murugan Raja, AGP R3
Mr.A.M.Ravindranath
For Mr.Jayapaul RR1 & 2
Standing Counsel

ORDER

The writ petition has filed seeking a direction to the respondents to re-convey the land measuring 65 cents comprised in Survey No.291/2 situated at Sholinganallur Village and Taluk, Kancheepuram District to the petitioners or in the alternative to proceed with acquisition afresh in accordance with Act 30 of 2013 and to pay compensation to the petitioners working out the market value as on the date of fresh notification under Act 30 of 2013 that may be issued.



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2. The case of the petitioner is that the petitioners are the husband and wife and they purchased a plot measuring to an extent of 65 cents comprised in S.No.291/2 situated at Sholinganallur Village and Taluk, Kancheepuram District under three sale deeds dated 14.07.2004 from one Lakshmi Krishnan. The petitioners purchased the said property after discharging the loan paying the part of the sale consideration towards discharge of mortgage in favour of Federal Bank Limited. Thereafter, the petitioners came to know that the lands in and around Sholinganallur Village were acquired by the Tamil Nadu Housing Board in the year 1989 after following the notification as prescribed under 4(1) of the Land Acquisition Act. In the said acquisition proceedings, an award was passed on 23.11.2001 in the name of one Krishnan, who had buy then sold the property to the petitioner's vendor. However, the compensation award was not received by anyone. It appears that the compensation amount was returned back to the Government to be kept in the government Treasury. In view of the aforesaid facts and circumstances, the ownership of the property have been restored to the petitioner and as on date, the petitioners are the owners of the subject property. Therefore, the petitioner has filed the present



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writ petition before this Court seeking to re-covey the land and to pay the compensation to them.

3. The learned counsel for the petitioner submitted that the petitioners are innocent buyers, having purchased the lands bonafidely without knowing about the acquisition proceedings. Further, the learned counsel submitted that the petitioners are in continuous possession of the property till date. This Court may issue a direction to the respondents to pay the fair compensation in terms of Section 30 of 2013 within the reasonable time as fixed by this Court.

4. The learned Standing Counsel appearing on behalf of the respondents 1 & 2 submitted that admittedly the land was acquired in the year 1990 after following the due process and award was also passed on 23.11.2001. As per the award, the land stands registered in the name of one K.T.Krishnan and it is inferred that the compensation amount for the above said land is ordered to be paid to one Kokilavani W/o Late Krishnan. The above said land was handed over to the Tamil Nadu Housing Board by the



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acquisition officer on 01.11.2006. Since then the above said land is vested with the Tamil Nadu Housing Board. The petitioners are the subsequent purchaser, after the award, they have no right to claim the compensation under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Further, the Tamil Nadu Housing Board has constructed 117 MSB Flats in the land comprised in S.No.291/2 along with some other lands and also made allotment to the Public and the same is fully utilised. Hence, the respondents could not re-convey the land and the petitioners are not entitled to claim any rights over the compensation. Hence, the learned counsel prays to dismiss the writ petition.

5. Heard, the learned counsel for the petitioner as well as the learned Standing Counsel and perused the materials available on record.

6. Admittedly, the land was acquired in the year 1990 and award was passed in the year 2001 and the petitioners purchased the afore mentioned land in the year 2005. However, the petitioner filed a writ



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petition before this Court in the year 2014 and there is no proper explanation for filing the writ petition belatedly. Further, the entire land acquisition proceedings were completed in the year 2001. As rightly pointed out by the learned Standing Counsel that the petitioners are not the original owners of the property and they are only the subsequent purchasers, who have purchased the lands in question in the year 2005 after passing the award. Further, an award amount has also paid to the legal heirs by the land owner. However, the petitioners have no *locus standi* to challenge the acquisition proceedings at belated stage and they have not entitled to claim right under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

7. For the reasons aforesaid, the prayer sought for by the petitioners cannot be granted and the Writ Petition is accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non speaking

To

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