



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.2598 & 2600 OF 2014
AND M.P.NOS.1 & 1 OF 2014

A.R.Anjaneyalu Naidu

... Petitioner in W.P.No.2598/2014

C.Bhagyavathi

... Petitioner in W.P.No.2600/2014

Vs.

1. The Commissioner and Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Anna Salai, Chennai - 600 009.
3. The Tamil Nadu Housing Board,
Vellore Division,
Rep. by the Executive Engineer and
Administrative Officer,
Sathuvachari,
Vellore - 632 009.
4. The Revenue Divisional Officer (RDO),
Vellore Division,
Collector's Office,
Vellore District, Vellore - 9.
(Formerly)
The Special Tahsildar (Land Acquisition)
For Tamil Nadu Housing Board,
Taluk Office,
Tirupattur,
Vellore District.

... Respondents in both W.Ps.



COMMON PRAYER:

Writ Petitions filed under Section 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 1st respondent made in Letter Nos.10956/LA2(1)/12-5 dated 01.08.2012 and 10564/LA2(1)/12-4 dated 03.08.2012, respectively, so as to quash the same by further directing the respondents herein to re-convey the lands in terms of the policy decision taken by the 1st respondent herein in G.O.Ms.No.1451 dated 28.10.1988 which is binding on the rests of the respondents 2 to 4 as more fully mentioned herein namely,

Schedule

Village Name: Kondasamuthiram

Taluk Name : Gudiyattam

District : Vellore

Serial No.	Name of the Petitioner	Survey No.	Extent (in Acres)
1.	A.R.Anjaneyalu Naidu	80/2A	1.04
		81/2A	0.60
		82/1	1.39
			----- Total 3.03 ----- in W.P.2598/14
2.	C.Bhagyavathi	80/2B	1.16 (½ share)
		81/2B	0.60 (½ share)
		82/2	0.56 (½ share)
			----- Total 2.32 (½ share) ----- in WP.2600/2014

(Prayer amended as per order dated 20.02.2014 in MP.Nos.2,2 & 2/2014 in WPS.2598 to 2600/2014)



For Petitioner : Mr.D.Rajagopal
in both W.Ps.

For Respondents 1 & 4 : Mr.P.Sathish
in both W.Ps. Additional Government Pleader

For Respondent-2 & 3 : Mr.C.Kalaichelvan
in both W.Ps.

COMMON ORDER

These writ petitions have been filed seeking to quash the proceedings of the first respondent made in Letter Nos.10956/LA2(1)/12-5 dated 01.08.2012 and 10564/LA2(1)/12-4 dated 03.08.2012, respectively and for a consequential direction to the respondents to re-convey the lands in terms of the policy decision taken by the first respondent in G.O.Ms.No.1451 dated 28.10.1988 which is binding on the rests of the respondents 2 to 4.

2. The case of the petitioners is that the respondents 2 to 4 herein acquired the schedule mentioned lands situated at Kondasamuthiram Village, Gudiyattam Taluk, Vellore District, for the purpose of implementation of comprehensive housing scheme by issuing Notification under Section 4(1) of the Land Acquisition Act on 30.10.1985. Thereafter, the above said lands are left unutilised for more than two decades from the date of acquisition. Hence, the petitioners filed a petition under Section 48-B of the Land Acquisition Act, 1894 before the first respondent seeking to re-convey their lands. The first respondent vide his Letter Nos.10956/LA2(1)/12-5 dated 01.08.2012 and 10564/LA2(1)/12-4 dated 03.08.2012, respectively, had rejected the claim of the petitioners. Hence the petitioners are constrained to approach this Court by filing these petitions.

3. The learned counsel appearing for the petitioners submitted that the Land Acquisition Act, 1894 has been repealed and replaced by the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, wherein Section 101 provides for return of unutilized lands acquired under the Land Acquisition Act, to the owner. The learned counsel further submitted that in order to avail such benefit, this Court may permit the petitioners to file an appropriate application under Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 for return of the unutilised land to the landlords.



4. The learned Additional Government Pleader appearing for the respondent Nos.1 and 4 and the learned counsel appearing for the respondent No.3 have no objections for the said order being passed.

5. Considering the limited request sought for by the petitioner, without interfering with the impugned order in the writ petitions, this Court permits the petitioners to workout their remedies under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

6. These Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Commissioner and Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Anna Salai, Chennai - 600 009.
3. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Vellore Division,
Sathuvachari,
Vellore - 632 009.



4. The Revenue Divisional Officer (RDO),
Vellore Division,
Collector's Office,
Vellore District, Vellore - 9.

WEB COPY

+2ccs to Mr.D.Rajagopal, Advocate, S.R.No.34039, 34042
+3ccs to Mr.C.Kalaichelvan, Advocate, S.R.No.33860, 33861
+1cc to the Government Pleader, S.R.No.34707

W.P.Nos.2598 & 2600 of 2014
and M.P.Nos.1 & 1 of 2014

AJS (CO)
PM/04/07/2022