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W.P.No.25932 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25932 of 2022

B.Loganathan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
rep.by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai 600009.

2.The Tamil Nadu Housing Board,
rep.by its Chairman and Managing Director,
Nandanam, Anna Salai, Chennai 600 035.

3.The Executive Engineer and
Administrative Officer,
TNHB, Coimbatore Unit,
Tata Bad, Coimbatore 641 035.

4.The Special Tahsildar (LA) and
Land Acquisition Officer,
Housing Scheme Unit I,
Tatabad, Coimbatore.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus Directing the respondents to dispose of the representation made by the petitioner on 28.03.2022 at a early date.



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For Petitioner : Mr.C.Deivasigamani
For RR1 and 2 : Mr.U.Bharanidharan
Additional Government Pleader
For RR3 and 4 : Mr.D.Murugan
Standing Counsel for TNHB

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents to dispose of the representation made by the petitioner on 28.03.2022 at an early date.

2. The case of the petitioner is that the property bearing S.F.No.58 to an extent of 3.67 acres, S.F.NO.59 of an extent of 1.55 acres, S.F.No.63 to an extent of 2.56 acres situated at Veerakeralam Village, Coimbatore, belonged to his family and the property has been acquired on 28.11.1981 as per G.O.Ms.No.1029, Housing and Urban Development Department for the formation of Anna Nagar, Neighbourhood Scheme by the Tamil Nadu Housing Board and award has also been paid by the Government. Challenging the acquisition proceedings, the petitioner has filed W.P.No.27841/2014 and this Court vide order dated 23.08.2021 had



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dismissed the said writ petition. Challenging the writ petition order, the petitioner has preferred Writ Appeal in W.A.No.444/2022 and same was dismissed as withdrawn with liberty to pursue the case for re-conveying the land and thereby, the petitioner made representation to the respondents on 28.03.2022, however the same has not been considered till date. Aggrieved by the same, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 28.03.2022 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents submitted that there is no provision available under the Land Acquisition Act, to reconvey the land to the original owner 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. The grievance of the petitioner is that the petitioner's land was acquired under the Land Acquisition Act for the formation of Anna Nagar, Neighbourhood Scheme by the Tamil Nadu Housing Board and however, it is alleged by the petitioner that the said land has not been utilised for that particular purpose and thereby prays for reconveyance of the land. However this Court is of the opinion that the fact remains that the Land Acquisition Act, 1894 was repealed by Tamil Nadu Act 30 of 2013 on 01.01.2014 and there is no provision available under the Land Acquisition Act, to reconvey the land, which was already acquired for the formation of Anna Nagar, Neighbourhood Scheme by the Tamil Nadu Housing Board. In the absense of any such provision, a Mandamus cannot be issued and therefore, the Writ Petition is liable to be dismissed.



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7. For the reasons aforesaid, this Writ Petition is dismissed. No costs.

Consequently connected miscellaneous petition is closed.

27.09.2022

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To

- 1.The Secretary to Government,
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- 2.The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai, Chennai 600 035.
- 3.The Executive Engineer and
Administrative Officer,
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M.DHANDAPANI,J.
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