



W.P.No.30342 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.30342 of 2022

1.Rani

2.Kamakshi

... Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of Housing & Urban Development,
Fort St.George, Chennai – 600 009.

2.The Chairman & Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai – 600 035.

3.The Land Acquisition Officer (LAO),
Special Tahsildar (LA-I)
Tamil Nadu Housing Board Schemes,
Housing Board Complex, Nandanam,
Chennai – 600 035.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent in particularly, the 2nd respondent to pay the fair compensation as determined by this Court taking into consideration the rate on which the land is sold by the Tamil Nadu Housing Board to various flat owners and to pay the fair compensation within the time frame fixed by this Court.



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For Petitioner : Mr.P.Subba Reddy

For Respondents : Mr.U.Bharanidharan for RR1 & 3
Additional Government Pleader

: Mr.A.M.Ravindranath Jayapal for R2
Standing Counsel, TNHB

ORDER

The petitioner has filed this petition to direct the respondent in particularly, the 2nd respondent to pay the fair compensation as determined by this Court taking into consideration the rate on which the land is sold by the Tamil Nadu Housing Board to various flat owners and to pay the fair compensation within the time frame fixed by this Court.

2.The case of the petitioner is that the petitioner is the owner of the property comprised in S.No.251/2 measuring an extent of 1 Acre 38.5Cents of Padikuppam Village, Ambattur taluk, Tiruvellore District. The said land was acquired under the Government by issuing 4(1) notification and an Award was passed on 28.05.1984. However, the possession was not taken and the amount was not deposited. In order to avail the benefit, the petitioner filed a W.P.Nos.14669 & 11977 of 2016 and W.P.No.18365 of 2017 and this Court



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vide its order 19.07.2019 dismissed the Writ Petitions granting liberty to the petitioner to file a fresh petition if the Apex Court reviewed the order in S.L.P.No.37375 of 2018 and subsequently, the petitioner came to know that the entire land was utilized by Housing Board by putting up flats and thereby by the present Writ Petition has been filed for fair compensation.

3.Learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents to consider the petitioner's representation for enhancement of compensation. Accordingly, he prays for appropriate orders.

4.Mr.U.Baranidharan, learned Additional Government Pleader appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The facts in the present case is not in dispute. Admittedly, the petitioner's land is acquired for the purpose of the Housing Scheme and the



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Award was passed in the year 1984. After passing the Award, the petitioner has filed the Writ Petition challenging the land acquisition proceedings and for reconveyance, all those litigations ended against the petitioner and finally the petitioner filed the Writ Petition in order to avail the benefit under the Section 24(2) of the Right to Fair Compensation Act. However, the same is also dismissed. Thereafter, the present Writ Petition is filed with the above said prayer. However, the law is settled, if the petitioner wants fair compensation, the remedy available to the petitioner is to file appropriate application under Section 18 or 28A of the Act at the relevant point of time and the acquisition is challenged before this Court after a lapse of four decades. Hence, the prayer sought for in this Writ Petition cannot be granted.

7.This Writ Petition is accordingly, dismissed. No costs.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No
To

1.The Secretary,
for Government of Tamil Nadu,

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Department of Housing & Urban Development,
Fort St.George, Chennai – 600 009.

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2.The Chairman & Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai – 600 035.

M.DHANDAPANI,J.

gba

3.The Land Acquisition Officer (LAO),
Special Tahsildar (LA-I)
Tamil Nadu Housing Board Schemes,
Housing Board Complex, Nandanam,
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