



W.P.No.34278 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34278 of 2022

V.Pappitha

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Chennai - 9.

2.The Tamil Nadu Housing Board,
Rep. by its Chairman & Managing Director,
Nandanam, Anna Salai,
Chennai - 600 035.

3.The Executive Engineer,
Administrative Officer,
TNHB, Coimbatore Unit,
Tatabad, Coimbatore - 600 035.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus, directing the
respondents to consider the petitioner's representation dated 28.03.2022.



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For Petitioner : Mr.B.Nedunchezhiyan
For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1 & R4]
Mr.D.Murugan
Standing Counsel [R2 & R3]

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to consider the petitioner's representation dated 28.03.2022.

2. The petitioner's land was acquired for the purpose of the second respondent. However, according to the petitioner, the land, though had been acquired long back, has not been utilized so far. Therefore, the petitioner wanted to re-convey the land and in this regard, in the earlier round of litigation that has culminated in an order passed by the Division Bench of this Court, dated 03.03.2022 in W.A.No.444 of 2022, the Division Bench has passed the following order:

"The learned counsel for the appellants prays for withdrawal of the writ appeal with liberty to pursue the case for re-conveying the land, which is alleged to have not been utilised other than a small part.



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*In view of the above, the writ appeal is dismissed as
withdrawn with the liberty as prayed for. No costs."*

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3. Pursuant to the said order, the petitioner has given a representation on 28.03.2022 seeking for re-conveyance from the respondents and the said representation, since has not been considered, the petitioner has moved the present writ petition.

4. Heard Mr.B.Nedunchezhiyan, learned counsel appearing for the petitioner, Mr.P.Sathish, learned Additional Government Pleader appearing for the first and fourth respondents and Mr.D.Murugan, learned Standing Counsel appearing for the second and third respondents.

5. Mr.D.Murugan, learned Standing Counsel appearing for the second and third respondents submits that the land was acquired and the compensation has also been paid and in receipt of the compensation, the petitioner has no right to seek for any re-conveyance. Despite that, since the petitioner made his attempt by sending his representation that would be considered and disposed of within a time frame that may be stipulated by this Court.



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6. Having regard to the said stand taken by the learned counsel appearing for both sides and taking note of the aforesaid factual matrix of the case, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the second and third respondents to consider the representation of the petitioner dated 28.03.2022 and pass necessary orders within a period of six (6) weeks from the date of receipt of a copy of this order.

With this direction, this writ petition is disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No

mp



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R. SURESH KUMAR, J.

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