



W.P.(MD)No.15000 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.15000 of 2015

C.Mayandi Chandran

... Petitioner

-VS-

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Department of Housing and Urban Development,
Secretariat, Chennai – 600 009.

2. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandhanam,
Chennai – 600 035.

3. The Executive Engineer,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai – 625 016.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the second respondent to re-convey the land along with N.O.C in respect of the lands in ad-measuring 79 cents comprised in Survey No.218/6, situated at Madakulam Village, Madurai South Taluk, belonging to the petitioner, which were



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acquired by it in the year 1979-80, by receiving back the initially awarded amount along with interest by considering the petitioner's representation dated 02.06.2014 in view of the Section 24(2), of the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (30/2013) within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Muthukumar
For R1 & R2 : Mr.A.Baskaran
Additional Government Pleader
For R-3 : Mr.R.Sivakumar
Standing Counsel

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus directing the second respondent Housing Board to re-convey an extent of 79 cents in Survey No.218/6, situated at Madakulam Village, Madurai South Taluk, which was acquired by the first respondent in the year 1979-1980, for Ellis Nagar Housing Scheme.

2. A perusal of the typed set of papers indicates that the petitioner's mother, viz., C.Kandhiammal had filed W.P(MD) No.5921 of 2012 with the



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same prayer.

3. This Court, by an order, dated 26.04.2012, had directed the first respondent herein to consider the representation of the petitioner's mother, dated 08.11.2011 and pass orders on merits and in accordance with law within a period of eight weeks. This Court has also directed the first respondent herein to dispose of the representation, in the light of the order of the Honourable Division Bench of this Court in ***R.Shanmugam and others -vs- The State of Tamil Nadu, Represented by its Secretary, Housing and Urban Development Department and others***, reported in ***2006 (4) CTC-290***. However, the first respondent has not chosen to dispose of the representation in compliance with the orders of this Court.

4. The present Writ Petition has been filed with a similar prayer after giving another representation, on 02.06.2014 to the Housing Board. Hence, I find that the present Writ Petition is an unnecessary exercise carried out by the writ petitioner, in view of the fact that the first respondent herein has not passed any orders pursuant to the direction of this Court made in W.P(MD) No. 5921 of 2012, dated 26.04.2012.



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5. In view of the above said facts, this Court is passing the following order:

(i).The petitioner is directed to give a fresh representation along with the order copy in W.P(MD) No.5921 of 2012, dated 26.04.2012, to the first respondent herein;

(ii). The first respondent is directed to dispose of the representation within a period of eight weeks from the date of receipt of such representation; and

(iii). The first respondent is directed to strictly adhere to the time limit in view of the orders passed in W.P(MD) No.5921 of 2012, dated 26.04.2012.

6. With the above said observation, this Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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