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WP Nos.20938 to 20942 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP Nos.20938 to 20942 of 2013

And

MP Nos.1, 1, 1, 1, 1, 2, 2, 2, 2, 2, 3, 3, 3, 3 and 3 of 2013

M.Vijayakumar Represented by
Power Agent Mrs.E.Suryakala,
W/o.V.Elumalai,
No.7, Velusamy Nagar,
Kilkattalai,
Chennai-600 117.

.. Petitioner in WP 20938/2013

N.Subramani

.. Petitioner No.1 in WP 20939/2013

S.Gopinath

.. Petitioner No.2 in WP 20939/2013

S.Suresh Kumar

.. Petitioner No.3 in WP 20939/2013

S.Chandrasekaran

.. Petitioner No.4 in WP 20939/2013

[Petitioners 1 to 4 in WP 20939/2013
Represented by Power Agent Mr.A.Ravi,
S/o.Mr.Amirtham,
No.16, Second Street,
Narasingapuram Extn.,
Guindy, Chennai-600 032.]



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K.N.Dasappan Represented by
Power Agent Mr.A.Ravi, S/o.Mr.Amirtham,
5/6, First Cross Street,
4th Street,
Jeevan Nagar,
Adambakkam,
Chennai-600 088.

.. Petitioner in WPs 20940 and
20941/2013

D.Barnabass Represented by
Power Agent Mrs.E.Suryakala,
W/o.V.Elumalai,
No.7, Velusamy Nagar,
Kilkattalai,
Chennai-600 117.

.. Petitioner in WP 20942/2013

VS.

Tamil Nadu Housing Board,
Represented by its Executive Engineer-cum-
Administrative Officer,
Besant Nagar Division,
Tamil Nadu Housing Board,
Chennai-600 020.

.. R-1 in all WPs

The Sub-Registrar,
Office of the Sub-Registrar,
Pallavaram at Chromepet,
Chennai-600 044.

.. R-2 in all WPs



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.. R-3 in WPs 20938 and
20942/2013

Mrs.G.Indira

.. R-3 in WP 20939/2013

Mrs.L.Dhanalakshmi

.. R-3 in WP 20940/2013

J.Ravi

.. R-3 in WP 20941/2013

Mrs.R.Parameshwari

.. R-4 in WP 20941/2013

WP No.20938 of 2013 is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in its proceedings BN/HS/8947/2007 dated 26.08.2010 and the consequent proceedings dated 28.03.2013 of the second respondent and quash the same and direct the second respondent to register the Sale Deed dated 28.03.2013 executed by the petitioner in favour of the third respondent in respect of land measuring an extent of 1526 sq. ft., in Survey No.299/7, Kilkattalai Village, Chennai-600 117.



WP No.20941 of 2013 is filed under Article 226 of the Constitution



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of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in its proceedings BN/HS/8947/2007 dated 26.08.2010 and the consequent proceedings dated 27.03.2013 of the second respondent and quash the same and direct the second respondent to register the Sale Deed dated 27.03.2013 executed by the petitioner in favour of the third and fourth respondents in respect of land measuring an extent of 677 sq. ft. (out of 11 cents) together with a building in Plot No.3, comprised in Survey No.300/4, Kilkattalai Village, Chennai-600 117.

WP No.20942 of 2013 is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in its proceedings BN/HS/8947/2007 dated 26.08.2010 and the consequent proceedings dated 28.03.2013 of the second respondent and quash the same and direct the second respondent to register the Sale Deed dated 28.03.2013 executed by the petitioner in favour of the third respondent in respect of land measuring an extent of 9 cents of land (out of 14 cents) in Survey No.299/9, Kilkattalai Village, Chennai-600 117.

For Petitioner in all WPs : Mr.K.Mahendran for
M/s.Mcgan Law Firm.

For Respondent-1 in all WPs : Mr.A.M.Ravindranath,
Standing Counsel for TNHB.



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For Respondent-2 in all WPs : Mr.S.Ravichandran,
Additional Government Pleader.

For Respondent-3 in all WPs and R-4 in WP 20941/2013 : No Appearance

COMMON ORDER

The land acquisitions proceedings were initiated in respect of the lands belong to the petitioners. The petitioners' lands were sought to be acquired for the benefits of the Tamil Nadu Housing Board for the formation of Pallavaram NH Scheme. The Awards were passed and consequently the Tamil Nadu Housing Board addressed a letter to the Sub Registrar, Pallavaram not to register any document in respect of the acquired lands.

2. The learned counsel for the petitioners made a submission that the acquisition proceedings were challenged in all these writ petitions and it was quashed as detailed hereunder:-

<i>WP No.</i>	<i>Survey No.</i>	<i>Quashed in WP No. and Page No. in T/Set</i>	<i>WA SR No. and Page No. in T/Set</i>
20938 of 2013	299/7	11500/1998 Page No.23	4224/2011 Page Nos.121



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WP No.	Survey No.	Quashed in WP No. and Page No. in T/Set	WA SR No. and Page No. in T/Set
			to 123
20939 of 2013	298/11D	11497/1998 Page No.23	4208/2011 Page Nos.121 to 123
20940 of 2013	300/4	11499/1998 Page No.23	4220/2011 Page Nos.121 to 123
20941 of 2013	300/4	11499/1998 Page No.23	4220/2011 Page Nos.121 to 123
20942 of 2013	299/9	20300/1994 Page Nos.16 to 17	9270/2011 Page No.127

3. The learned Standing Counsel for the first respondent and the learned Additional Government Pleader for the second respondent have made a submission that the Government Order issued in acquisition of lands was dropped pursuant to the orders passed by the High Court in the writ proceedings.



4. It is not in dispute that the subject property belongs to the petitioners were dropped from the acquisition proceedings. It is clarified by the respondents that acquisition proceedings were partly quashed and in respect of other Schemes, the acquisition proceedings are confirmed and the possession of the portion of that lands, which are acquired, are in the possession of the Tamil Nadu Housing Board.

5. As far as the petitioners' lands are concerned, acquisition proceedings were dropped and therefore, the impugned orders are liable to be set aside.

6. Accordingly, the impugned order passed by the first respondent in proceedings BN/HS/8947/2007 respectively dated 26.08.2010, 26.08.2010, 26.08.2010, 26.08.2010 and 26.08.2010 and the consequential proceedings of the second respondent respectively dated 28.03.2013, 27.03.2013, 27.03.2013, 27.03.2013 and 28.03.2013 are quashed and consequently, all the writ petitions are allowed. The connected



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miscellaneous petitions are closed.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

1.The Executive Engineer-cum-
Administrative Officer,
Tamil Nadu Housing Board,
Besant Nagar Division,
Tamil Nadu Housing Board,
Chennai-600 020.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Pallavaram at Chromepet,
Chennai-600 044.

S.M.SUBRAMANIAM, J.

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