



WEB COPY

W.P.No.19746 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19746 of 2023
and
W.M.P.No.19037 of 2023

1.A.Seetha

2.A.Elumalai

... Petitioners

Vs.

1.The Secretary to Government,
Housing and Suburban Development Department,
Tamil Nadu Fort St.George,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
No.331, Anna Salai,
Nandanam, Chennai – 600 035.

3.The Executive Engineer & Administrative Officer,
Dr.J.J.Nagar Division,
Tamil Nadu Housing Board,
Mugappair East,
Chennai – 600 037.

4.The Revenue & Administrative Commissioner,
Chepauk, Chennai – 600 005.



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5. The Land Acquisition Officer and
Special Tahsildhar (L.A.-II),
Tamil Nadu Housing Board Schemes,
Nandanam, Chennai – 600 035.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, by directing the respondents 1 to 5 to for clear and removal of the land acquisition activities over the subject properties, situated at Thiruvallur District, Ambattur Taluk, Nollambur Village, comprised in Nanja Survey No.328, 331/1 and 331/2 (part), to an extent of acre of 2.65 cents, out of total extent acres 3.65 cents by considering the representation sent by the petitioner's dated 18.01.2023 sent.

For Petitioner	: Mr.R.Thanjan
For R1, R4 & R5	: Mr.D.Ravichander, Special Government Pleader
For R2 & R3	: Mr.Ravindranath Jeyapal, SC for TNHB

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 5 to clear and remove the land acquisition activities over the subject property situated at Thiruvallur District, Ambattur Taluk, Nollambur Village, comprised in Nanja Survey No.328, 331/1 and 331/2



(part), to an extent of acre of 2.65 cents, out of total extent acres 3.65 cents by considering the representation dated 18.01.2023 submitted by the petitioner.

2. The petitioners state that they own the subject property described in the present writ petition. Admittedly, the subject property was acquired by the Government under the land acquisition lands and allotted Tamil Nadu Housing Board for construction of residential houses.

3. The learned counsel for the petitioners states that the Hon'ble Division Bench of this Court passed order in W.A.Nos.3997 to 4001 of 2004 stating that if the lands are not utilised for Tamil Nadu Housing Board and are vacant then the same may be considered for re-conveyance.

4. The learned Special Government Pleader appearing for the respondents raised an objection by stating that the re-conveyance cannot be claimed as an absolute right by the land losers. The Government is at liberty to utilise the said land for other public purposes, if a policy decision is taken in this regard. The Writ Appeal was passed in the year 2004 and the present



writ petition has been filed after a lapse of about 17 years and several projects were developed in the particular area by the Tamil Nadu Housing Board. The petitioners, however, state that there are encroachers in the subject properties and the encroachers are also claiming right in respect of the properties. Under these facts and circumstances, it is for the petitioners to workout their remedies in the manner known to law.

5. With these observations, the writ petitions stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

05.07.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

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