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W.P.No.23236



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23236 of 2023

Mrs.D.Sumathi

... Petitioner

Vs.

1.The State Government,
Represented by its Secretary to Government,
Housing & Urban Department,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Collectorate, Chengalpattu,
Chengalpattu District.

3.The Tamil Nadu Housing Board,
Represented by its Managing Director,
CMDA Complex, E&C Market Road,
Koyambedu,
Chennai – 600 107.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to dispose the petitioner's representation dated 26.05.2023 and to release petitioner's properties bearing Survey Nos. 337/1, 337/2B, 337/3, 337/4b, 337/7A2, 337/7B, 337/7C, 337/7B1, 337/7B2, 337/6, 337/8, 340, 341, 343/8A2, 343/8A, 343/8B, 334/2, 344, 345/3, 345/3A, and 337/5B/, 344/3, 344/5, 402 an extent of 5 acres 71 cents in Shollinganallur village, now chengalpat District previously Kancheepuram District or to award the compensation as per present guideline value.



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For Petitioner

: Ms.K.Varsha

For R1 & R2

: Mr.D.Ravichander,
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to dispose of the petitioner's representation dated 26.05.2023 and to release petitioner's properties bearing Survey Nos. 337/1, 337/2B, 337/3, 337/4b, 337/7A2, 337/7B, 337/7C, 337/7B1, 337/7B2, 337/6, 337/8, 340, 341, 343/8A2, 343/8A, 343/8B, 334/2, 344, 345/3, 345/3A, and 337/5B/, 344/3, 344/5, 402 an extent of 5 acres 71 cents in Shollinganallur village, now chengalpat District previously Kancheepuram District or to award the compensation as per present guideline value.

2. It is not in dispute that the land belonged to the petitioner was acquired for public purposes. The land acquisition proceedings were challenged by the petitioner in the writ petition in W.P.No.30994 of 2014 and the writ petition was allowed on 08.04.2015. The Tamil Nadu Housing Board preferred an appeal in W.A.No.1635 of 2015 and the Hon'ble Division Bench of this Court had delivered Judgment on 20.02.2018 allowing the writ appeal filed by the Tamil Nadu



Housing Board. The very same ground raised by the writ petitioner in the present representation dated 26.05.2023 was taken before the Hon'ble Division Bench of this Court to re-convey the land.

3. The Hon'ble Supreme Court in ***Indore Development Authority -vs- Shailendra through Lrs & Ors.*** (judgment dated 08.02.2018, in Civil Appeal No.20982 of 2017), observed that *“purchasers of land after Section 4(1) notification are not entitled to contend that acquisition has lapsed under Section 24(2) of the New Act. This is so because the sale after Section 4 is illegal and void. Therefore, the first respondent is not entitled to invoke Section 24(2) of the New Act.”* The Hon'ble Supreme Court of India further held that *“since possession was taken long back and the compensation amount was duly deposited, the twin conditions of Section 24(2) are not attracted in the subject case.”*

4. The writ petitioner was the 1st respondent in the above writ appeal and her contentions to re-convey the land was considered by the Division Bench of this Court. The 1st respondent preferred a S.L.P before the Hon'ble Supreme Court, which was admittedly dismissed. When the petitioner has raised the



ground regarding re-conveyance of the acquired land and the said ground was elaborately considered by the Division Bench, which was confirmed by the Hon'ble Supreme Court. The petitioner now submitted a representation to the authorities to re-convey the acquired land and thus, the petitioner is making an attempt to mis-lead the authorities as well as the High Court. Such representation filed repeatedly seeking the same relief, which was already considered by the Division Bench and Supreme Court at no circumstances be entertained and as such, the writ petitions are liable to be dismissed with exemplary costs. The litigants mis-leading the authorities at no circumstance be tolerated and in the present case, the writ petitioner filed a writ petition challenging the acquisition proceedings and the matter went before the Division Bench, wherein the claim of the petitioner to re-convey the land was considered.

5. That being the factum, the representation *per se* is not entertainable even before the competent authorities. Thus, the writ petition is vexatious and cannot be entertained. Since the learned counsel for the petitioner has chosen to withdraw the writ petition, taking a lenient view, this Court is not inclined to impose costs.

6. Accordingly, the writ petition stands dismissed. No costs.



08.08.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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