



WEB COPY



W.P.No.35864 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI, J.

WP No.35864 of 2019

and

WMP.Nos.36771 and 36773 of 2019

K. Gunasekaran

... Petitioner

Vs.

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

2. The Executive Engineer-cum–Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad,
Coimbatore – 641 012.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to proceedings in Inam No.4.06 dated 05.03.2019 on the file of the 1st respondent and quash the same.

For Petitioner : Ms.Kanimozhi Mathi

For Respondents : Mr.V.Gunasekar

ORDER

The writ petition is filed to quash the Proceedings in Inam No.4.06 dated 05.03.2019 issued by the 1st respondent.



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2. It is the case of the petitioner that originally his grandfather and grandmother viz., Palanisamy Naidu and Mummayamma were in enjoyment of the property, measuring 3.82 Acres at S.F. No.18/1, in Veerakeralam Village, Coimbatore. Later, the said property was partitioned by way of Partition Deed vide Document No.3692 of 1982 registered on the file of SRO, Thonsamuthur, Coimbatore, thereby, his father was allotted 'A' Schedule property measuring about 1.47 acres and subsequent to his father's death, his family members are enjoying the said property. Thereafter in the year 2019, it came to light that the respondent / Housing Board had acquired the said lands for constructing housing units for Lower Income group. Later, it came to light that an Award for the said acquisition was passed on 23.09.1986, after publishing 6(1) Declaration, whereas it is unknown whether the compensation amount was received by his father or not.

3. It is further stated that after some time, due to non implementation of the project, the Housing Scheme introduced by the respondents had become defunct, but the core issue is that his lands were not released to him. Pursuant to introduction of Right to Fair Compensation and Transparency Act, the land acquisition proceedings



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initiated under the Old Act is deemed to have lapsed and therefore, earlier he filed writ petition in W.P. No.35205 of 2019 seeking for an appropriate relief. That being the position, the 1st respondent has passed the impugned order dated 05.03.2019, whereby they introduced a proposal of sale of the subject lands as vacant plots. Challenging the said order, this writ petition has been filed.

4. Learned counsel for the petitioner submitted that since all the lands except petitioner's land have been released to the respective owners, the act of the respondents showing difference is arbitrary and illegal. On instructions, he further submits that though the petitioner prayed for a larger relief in this writ petition, now, the petitioner restricts his prayer to the extent that the petitioner may be permitted to submit a fresh representation to the respondents seeking for allotment under Ex-Owners Category. Therefore, he seeks for issuance of appropriate directions in the above aspect.

5. Though, the learned counsel for the respondents denied the contention that there is no provision in the scheme for reallocation of vacant land under Ex- owner category, but submitted that he has no objection for issuance of a direction to enable the petitioner to submit



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M.DHANDAPANI, J.

vsi2

To

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