



W.P No.32784 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.32784 of 2018

P.Rengasamy

...Petitioner

Vs.

1. The Secretary to Government
Local Administration Department,
Fort, St. George, Chennai.600 009.
2. The Commissioner to Land Reforms,
Ezhilagam, Chennai.600 005.
3. The Commissioner of Land Administration,
Ezhilagam, Chennai. 600 005.
4. The Director of Municipal Administration,
Chennai.600 005.
5. The Regional Director of Municipal Administration,
Thanjavur.
6. The Joint Commissioner of Land Reforms/Administration
Mayiladuthurai - 609 001.
7. The Commissioner,
Pattukkottai Municipality,
Pattukkottai.614 613.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to consider and pass order on the petitioner's representation dated 12.10.2016 and its reminder dated 15.10.2018 in accordance with law within the time stipulated by this Hon'ble Court for re-conveying the petitioner's land to an extent of 8.24 acres of land comprised in Survey Nos.177/2B, 3B,4B, 5, 6B, 7,8,11,12 of Pattukottai Village and Nos.146/2m 3,4,5,6 and 7 of Santhankadu Village of Pattukottai Taluk, Thanjavur District, for the value fixed by the Government and pass such other or further orders.

For Petitioner : Mr.S.Thirumavalavan

For Respondents No.1 to 6 : Mr.T.Arunkumar
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider and pass orders on the petitioner's representation dated 12.10.2016 and its reminder dated 15.10.2018 within the time stipulated by this Court.

2. It is not in dispute that the land belonged to the petitioner was acquired for the public purpose. The acquisition proceedings were completed in the year 1964 and almost 59 years had lapsed from the year of acquisition.



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3. The learned counsel for the petitioner states that representation was made to the Government to re-convey the land because the said land has not been utilized by the Government.

4. The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the land has been utilized for laying water pipes and balance portion of the land are to be utilized for other public purposes. However, the land already vested with the Government pursuant to the acquisition proceedings and therefore the petitioner has no right to claim re-conveyance.

5. The application submitted by the writ petitioner under the old Land Acquisition Act is not entertainable. That apart, there was a dispute between the polytechnic College and the Pattukkottai Municipality in respect of the adjacent land including the part of the land belongs to the petitioner. The state preferred an appeal before the Hon'ble Supreme Court of India in Special Leave to Appeal Nos.10352 to 10355 of 2023, the said appeals are pending. That being the factum, even the Government may not be in a position to entertain any application regarding re- conveyance or otherwise. Therefore, the relief sought for in the present writ petition cannot be granted by this Court.



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6. With these observations, the Writ Petition stands dismissed.

No costs.

28.08.2023

Index : Yes
Speaking Order
Neutral Citation Case : No
gpa/gvn

To

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S.M.SUBRAMANIAM, J.

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