



W.P.(MD)No.131 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.131 of 2021

A.Chidambaram

... Petitioner

Vs.

1.The Secretary,
Revenue Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Deputy Secretary,
Revenue Department,
Secretariat,
Fort St. George,
Chennai-600 009.

3.The Commissioner
(Land Administration),
Land Administration Department,
Ezhilagam,
Chennai-600 005.

4.The District Collector
Karur,
Karur District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to reconvey the land in Survey Nos.743 and 744 admeasuring 1.80.5 and 1.82.0 Hectares respectively at Thonthonimalai Village, Karur District to the petitioner which was acquired from the petitioner Under Land Acquisition Act, 1894, for construction of Master Plan Complex, Karur, on the basis of the representation of the petitioner dated Nil and communication of the 2nd respondent in his proceedings in Lr.No. 39418/Va.Ne.1(2)/2015-1, dated 27.11.2015 within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan

For R-1 to R-4 : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondents to reconvey the subject property which was acquired under the Land Acquisition Act, 1894, by considering the representation made by the petitioner.



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2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The subject property was acquired under the Land Acquisition Act, 1894, by issuing a 4(1) notification which was published in the Tamil Nadu Government Gazette on 04.06.1998. The award was passed under Section 6 of the Land Acquisition Act, 1894, on 05.07.1999. Subsequently, the petitioner also sought for enhancement of the compensation and filed L.A.O.P.Nos.8 and 9 of 2003 before the Sub Court, Karur and the compensation was also enhanced and an Appeal was filed by the Government against the enhancement before this Court and the Appeal was allowed and the award was modified and the petitioner was granted the entire enhanced compensation amount of Rs.1,31,51,467/- (Rupees One Crore Thirty One Lakhs Fifty One Thousand Four Hundred and Sixty Seven only).

4. The case of the petitioner is that the property that was acquired from the petitioner was not put to use and it was lying vacant and therefore, the petitioner sought for reconveyance of land, since it was not



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utilized for any public purpose. The petitioner also expressed his willingness to repay the compensation amount that was received by him with interest. Since the representation made by the petitioner was not considered, the present Writ Petition has been filed before this Court.

5. The fourth respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

“4. It is submitted that various Government Offices such a Collector's Office, Combined Court Buildings, District Police Office, Armed Reserve lines, Sports Stadium, Forest Department, Fire Services Department are all located in the said Master Plan Complex and the further requests from various Departments are also being considered and lands are being allotted to the said Departments according to their needs and their future expansion. The lands remaining vacant are being allotted to the fresh needs of expansion of the existing offices and the newly sanctioned offices to the various wings of the police and other departments. As the entire vacant lands kept in the Master Plan Complex is needed for further



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expansion of the various wings of the Government Department and hence the question of reconveying the acquired lands which remains vacant at present to the erstwhile owners of the said lands does not arise at all.

5. It is submitted that the requisition of lands for the construction of the office of the Deputy Superintendent of Police Vigilance and Anti Corruption Wing, Karur District and for the construction of officer's quarters of the Vigilance and Anti Corruption Wing, Karur has been received and the same is to be located in the said S.F.No.743 of the Thanthonimalai Village, Karur Taluk and District. The said proposals to locate the said office and quarters were considered and the Tahsildar, Karur and the Revenue Divisional Officer, Karur have inspected the land in question and sent proposals by sub-dividing the land in S.F.No.743 as S.F.No.743/1 (1.44.00 Hect) and S.F.No.743/2 (0.36.50 Hect) and allotting the S.F.No.743/2 to the said Vigilance and Anti Corruption Department Karur District. Accordingly the District Revenue Officer, Karur District inspected the land in S.F.No.743/2 admeasuring an extent of 0.36.50 hect and



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recommended to allot the said lands. Accordingly necessary land transfer proposals and to grant enter upon permission to the Vigilance and Anti Corruption Wing Department have been submitted to the Additional Chief Secretary / Commissioner of Revenue Administration, Chennai vide Na.Ka.No.C2/24/2021 dated 12.01.2021. As the authorities concerned, the request of the petition to reconvey the acquired lands in S.F.Nos.743 and 744 of Thanthonimalai Village could not be accepted and hence it may be rejected accordingly.”

6. In the considered view of this Court, the land belonging to the petitioner has already been acquired and the compensation has already been fixed and the enhanced amount has already been paid to the petitioner after a prolonged legal battle. The counter affidavit filed by the respondents shows that more and more space is required for accommodating various Departments of the Government and the District Collector had also responded to the earlier representation made by the petitioner on 27.11.2015 and had informed the petitioner that the petitioner's request for reconvening the land cannot be reconsidered. The



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learned counsel by placing reliance upon Section 6 of the General Clauses Act, 1897, submitted that the petitioner is entitled for the relief as provided under the old Act and therefore, the petitioner has the legal right to get the lands re-conveyed.

7. Once an award is passed and a decision is taken by the State, it is prerogative of the State to utilise and dispose or reconvey the property, if the State is not able to utilise the property and even if the State finds that it cannot be used for the purpose for which it was acquired, the State can always convey the property. The request for reconveyance cannot be considered as a matter of right. The law on this issue is now too well settled and useful reference can be made to the Judgment of the Apex Court in the case of *Sulochana Chandrakant Galande Vs. Pune Municipal Transport & Ors* reported in *2010 8 SCC 467*. Useful reference can also be made to the Division Bench of this Court in the case of *R.Rajathi Vs. The Secretary to Government, Law (Legal Education) Department and others* reported in *2021 2 WLR 479*.



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8. In view of the above, there is no scope for granting the relief sought for by the petitioner. Accordingly, there are no merits in this Writ Petition and the same stands dismissed. No costs.

10.10.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

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N.ANAND VENKATESH, J.



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