



W.P.(MD)No.4252 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4252 of 2023

Natarajan

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
represented by its
Secretary to the Government,
Housing and Urban Development Department,
Secretariat, Fort St.George, Chennai - 600 009.
 - 2.The District Collector,
Dindigul District, Dindigul.
 - 3.The Land Acquisition Officer / Revenue Divisional Officer,
Dindigul, Dindigul District.
 - 4.The Commissioner,
Dindigul City Municipal Corporation, Dindigul.
 - 5.The Managing Director,
Tamil Nadu Housing Board Scheme,
CMDA Complex, Koyambedu, Chennai.
 - 6.The Executive Engineer / Authorised Officer,
Madurai Housing Unit,
Ellis Nagar, Tamil Nadu Housing Board,
Madurai.
- ... Respondents



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PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No. 5 and 6 to re-convey the petitioners unused acquired land - of an extent of 2 Acres, 10 Cents out of 3 Acres, 12 Cents in T.S.No. 544/13, Ward No. 2, Block No. 27 of Dindigul Town and Chettinaickanpatti Revenue Division, Dindigul West Taluk, Dindigul District by considering his representation dated 28.12.2022.

For Petitioner	: Mr.A.Sheik Nasurdeen
For R1 to R3	: Mr.B.Saravanan Additional Government Pleader
For R4	: Mr.M.Thirunavukkarasu Standing Counsel
For R5 and R6	: Mr.R.Sivakumar, Standing Counsel

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks reconveyance of the petition mentioned unused acquired land. I am not in a position to consider the petitioner's request, primarily for the reason that a similar attempt was earlier made not once but more than once and the same ended in vein. The petitioners have fairly enclosed the order dated 01.03.2012 made in W.P.No.9948 of



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2011. Paragraph -17 of the said order reads as follows:

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"17. Therefore, in the light of the above, the petitioner can pitch his claim on par with the claim of person whose lands released from acquisition under Section 48-B. It is seen from order dated 11.11.1995 passed by the Government directing reconveyance of certain lands in favour of one B.A.Rajagopal, the same was ordered even before the first writ petition W.P.No. 17495 of 1999, would operate as res judicata. Moreover, petitioner suppressed the factum of dismissal of the first petition, in the second writ petition. In such circumstances, I find no merit in the writ petition and hence, it is dismissed. Connected miscellaneous petitions are closed. There shall be orders as to the costs."

3.The learned counsel for the petitioner drew my attention to the communication dated 24.03.1995 enclosed at page No.43 of the typed set of papers, from which it is seen that the land acquired from one K.Narayana Raja and others was ordered to be re-conveyed. This communication was issued in the year 1995. The petitioner's first writ petition was filed in the year 1999. Therefore, the petitioner cannot re-agitate the issue that has already been settled against him.



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4. Accordingly, this writ petition is dismissed. No costs.

01.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

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represented by its Secretary to the Government,
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G.R.SWAMINATHAN,J.

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