



W.P.(MD) No.5251 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5251 of 2020

Navaneethakrishnan

.. Petitioner

Vs.

1.The State, Rep., by its
The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
St. Fort George, Secretariat,
Chennai-600 009.

2.The Special Tahsildar (Land Acquisition),
Neighbour Hood Scheme,
Tirunelveli-11.

3.The Executive Engineer cum
Administrative Officer,
Tirunelveli Housing Unit,
Kamarajar Road, Anbu Nagar,
Tirunelveli-11.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 27.03.2019 and consequently direct the respondents herein to exclude the house site of



W.P.(MD) No.5251 of 2020

the petitioner from the acquisition proceedings in respect of Survey No.170/1, Plot No.55, Northern Side, Keelanatham Village, Palayamkottai Taluk, Tirunelveli District.

For Petitioner : Mr.A.D.Ganeshamoorthi

For RR1 & 2 : Mr.J.John Rajadurai
Government Advocate

For R3 : Mr.S.Velmurugan

ORDER

This writ petition is filed for the issue of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 27.03.2019 and consequently, direct the respondents herein to exclude the house site of the petitioner from the acquisition proceedings in respect of Survey No.170/1, Plot No.55, Northern Side, Keelanatham Village, Palayamkottai Taluk, Tirunelveli District.

2. The facts in brief are as follows:

It is the case of the petitioner that he had purchased a plot bearing Plot No.55, S.No.170/1, Keelanatham Village, Palayamkottai Taluk, Tirunelveli, in the year 2015 under a registered sale deed dated



W.P.(MD) No.5251 of 2020

13.02.2015 measuring a total extent of 2.23 cents. It is the case of the petitioner that the village land had been acquired in the year 1962 for the purpose of constructing houses under the Tirunelveli Housing Board Scheme and an extent of 16.88 Hectares was acquired for the said purpose.

3. The petitioner would submit that after the acquisition, only a portion was utilised by the respondents wherein houses were constructed and allotted. The rest of the portion was not being used. From 1996, the original land owners started selling the rest of the land in which several persons have constructed houses and the respondents have not made any objections to the same. The petitioner has also obtained planning permission for putting construction and when he had attempted to obtain the housing loan, he came to know that the lands were subject matter of acquisition.

4. It is further stated that the K.T.C.Nagar, North Residence and Land Owners Association, totalling 106 persons had moved this Court in



W.P.(MD) No.5251 of 2020

W.P.(MD) No.9524 of 2011 calling for the records of the first respondent relating to his order dated 11.01.2011 and to quash the same and to direct the respondents to exclude the house site from the acquisition proceedings. This Court had allowed the writ petition and remitted the matter back to the first respondent for fresh consideration.

5. It is the further case of the petitioner that after the order, the first respondent had not taken any steps to comply with the order. Meanwhile, the petitioner had sent a representation dated 27.03.2019 to the respondents calling upon them to consider his representation in the light of the order made in W.P.(MD) No.9524 of 2011. However, since the representation was not being taken up, the petitioner has moved this Court.

6. Heard the learned counsel on either side.

7. This is a case where even admittedly the lands are the subject matter of acquisition and to date, there is no order reconveying the lands



W.P.(MD) No.5251 of 2020

back to the original owners. The petitioner has purchased the property in the year 2015, that too, after the first respondent had passed the order which was impugned in the earlier proceedings. The petitioner is attempting to have his title declared through this writ proceedings. The petitioner has not stated as to whether his vendor had got any order in his favour subsequent to the orders passed by this Court in the earlier writ petition in W.P.(MD) No.9524 of 2011. Admittedly, the petitioner is in possession of only a vacant site. The earlier writ petition was disposed of directing the first respondent to consider the issue afresh and pass orders. The Court had not recognised any right of the petitioner except the fact by stating that many of them have put up constructions in the property.

8. It is the case of the petitioner that his vendor is also a party to the proceedings, which is not evident from a perusal of the writ petition in W.P.(MD) No.9524 of 2011 and the affidavit is also silent about the same. The petitioner is a subsequent purchaser and can only claim what right his vendor has. Therefore, the petitioner has to first assert his title



W.P.(MD) No.5251 of 2020

to the property before seeking any relief in respect of the said land and such an exercise cannot be done by a Writ Court. Therefore, this Writ Petition is dismissed. However, there shall be no order as to costs.

06.06.2023

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

abr



W.P.(MD) No.5251 of 2020

WEB COPY

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
St. Fort George, Secretariat,
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- 2.The Special Tahsildar (Land Acquisition),
Neighbour Hood Scheme,
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W.P.(MD) No.5251 of 2020

P.T.ASHA, J.

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W.P.(MD) No.5251 of 2020

Dated: 06.06.2023