



W.P.(MD)No.11440 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.11440 of 2020

1.S.Kadhar Hussain  
2.S.Abubakkar

... Petitioners

vs.

1.The Government of Tamilnadu,  
represented by its Secretary to Government,  
Department of Housing Board and Urban Development,  
Fort St.Goerge, Chennai – 600 009.

2.The Managing Director,  
Tamilnadu Housing Board,  
No.493, Anna Salai,  
Nanthanam, Chennai – 600 035.

3.The Executive Engineer / Administrative Officer,  
Tamilnadu Housing Board,  
Utchapatty-Thoppur Satellite Town Division,  
70 Feet Road, Ellis Nagar, Madurai – 16.

4.The District Collector, Madurai District, Madurai.

5.The Revenue Divisional Officer,  
South neighbourhood scheme (Land Acquisition),  
Utchapatty Revenue Division,  
Thirumangalam Taluk, Madurai – 20.



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6.The Special Tahsildar,  
South neighbourhood scheme,  
Old Ramanad Collectorate Complex,  
Madurai – 625 020.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to allot any one of the Government land in favour of the petitioners for their shelter and consequently directed them to grant the benefits to the petitioners covered under the Acts.

For Petitioners :Mr.M.Benazir Begum  
For R1, R4 to R6 :Mr.R.Ragavendran  
For R3 :Mr.R.Sivakumar

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### **ORDER**

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing respondents to consider the request made by the petitioners and to allot any Government land to the petitioners and also to grant the benefits under the Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2.The case of the petitioners is that the subject property measuring an extent of 26 cents in S.No.6/2 and an extent of 30 cents in S.No.6/3



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was in possession and enjoyment of the family members. A joint patta was also issued in Patta No.287. The further case of the petitioners is that during September 2019, they had planned to build a small house in the property and that point of time, they found that the lands have been fenced. Thereafter, the petitioners have verified and found that the lands have been acquired by the Government for Tamil Nadu Housing Board. According to the petitioners, they were never aware about the acquisition proceedings and hence, they have filed the present Writ Petition seeking for the relief stated supra.

3.The third respondent has filed a counter affidavit. On going through the same, it is seen that the subject lands were acquired through the acquisition proceedings initiated under 1874 Act by issuing 4(1) Notification on 09.10.1990. Thereafter, declaration was published on 12.11.1991. The award was passed on 12.11.1993 in Award No.3/1993. Thereafter, the subject properties were handed over to Tamil Nadu Housing Board by way of a certificate dated 21.06.1996. Pursuant to the same, the property was also utilised for Uchapatty Area III Development Scheme. After handing over of the OSR lands, the residential plots were



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earmarked in the approved layout and thereby, the lands that were acquired was fully utilized.

4.The third respondent has taken a further stand in the counter affidavit that there is a serious dispute with regard to the right and title over the properties and the same came to light at the time of payment of compensation. Hence, an enquiry was conducted and the compensation was paid in the following manner:

| Sl.No. | Survey No.             | Area (Ares)        | Total Area (Ares) | Patta Holder  | Award amount |
|--------|------------------------|--------------------|-------------------|---------------|--------------|
| 1      | 6/1F<br>6/1K<br>6/3A   | 27<br>32.5<br>5    | 64.5              | Tamarai Selvi | Rs.52,862/-  |
| 2      | 6/1C,<br>6/1E<br>6/1D  | 78.0<br>27<br>04.5 | 109.5             | Chitra        | Rs.89.741/-  |
| 3      | 6/1I                   | 27.5               | 27.5              | Prema         | 22538/-      |
| 4      | 6/1J<br>6/2A           | 20.5<br>7.5        | 28                | Saraswathi    | 22947/-      |
| 5      | 6/1H                   | 61.5               | 61.5              | Gomathi       | 50403/-      |
| 6      | 6/1B<br>6/1G<br>6/1Dpt | 58<br>51<br>4.5    | 113.5             | Vasuki Devi   | 93019/-      |
| 7      | 6/1A<br>6/1D           | 95.5<br>4.5        | 100               | Lingammal     | 78267/-      |
| 8      | 6/1L,<br>6/2B,<br>6/3B | 29.5<br>3<br>7     | 39.5              | Ramachandran  | 32372/-      |



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|              |                               |                          |                   |
|--------------|-------------------------------|--------------------------|-------------------|
| TOTAL EXTENT | 539.5<br>Ares<br>(13.33 Acre) | TOTAL<br>AWARD<br>AMOUNT | Rs.<br>4,42,149/- |
|--------------|-------------------------------|--------------------------|-------------------|

5.In the light of the above, the Tamil Nadu Housing Board has taken a stand that compensation has been paid to the rightful owners and the petitioners do not have any right or title over the properties.

6.Taking into consideration facts and circumstances of the case and also the counter affidavit filed by the third respondent, it is seen that the petitioners are now attempting to resurrect the acquisition proceedings that had happened 26 years back. This Court does not find that the petitioners have any legal right to seek for the relief and there is no corresponding legal duty on the part of the respondents to consider the same. Hence, there is no question of issuing a Writ of Mandamus in this case.

7.In view of the above observations, this Writ Petition is disposed of. No costs.

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

**18.10.2023**

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**N.ANAND VENKATESH, J.**

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