



WP(MD)No.17283 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.17283 of 2020

S.Sankarakrishnan

...Petitioner

/Vs./

1.The Secretary to Government,
Agricultural Department,
Fort St.George,
Chennai.

2.The District Collector,
Collectorate, Theni.

3.Revenue Divisional Officer,
Land Acquisition Officer,
Periyakulam, Theni District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reconvey the land measuring 0.48 acres, comprising Survey No. 330/1 situated at Chinnamanur Town, Theni District, to the petitioner.

For Petitioner : Mr.M.C.Swamy

For Respondents : Ms.S.Jeyapriya

Government Advocate



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ORDER

This writ petition has been filed seeking for issuance of mandamus directing the respondents to reconvey the land in Survey No. 330/1, measuring an extent of 0.48 acres situated at Chinnamanur Town, Theni District, based on the request made by the petitioner.

2. Heard Mr.M.C.Swamy, learned counsel for the petitioner and Ms.S.Jeyapriya, learned Government Advocate for the respondents.

3. It is seen from the records that the property belonging to the petitioner along with larger extent of properties were the subject matter of acquisition under the Tamil Nadu land Acquisition Act, 1894 through a notification issued under Section 4(1) of the Act published in Government Gazette on 27.04.1988. The entire process of acquisition was completed and an award was also passed by fixing the compensation. Not being satisfied with the award, the petitioner also sought for enhancement and it was enhanced.

4. According to the petitioner, the property has not been put to use for more than 30 years and the petitioner gave an undertaking that he will refund



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the compensation with interest and hence requested for reconveyance of the land. Since the same was not considered, the present writ petition has been filed before this Court.

5. On going through the counter affidavit that has been filed by the first respondent, it is seen that the land that was acquired has already been handed over to the Department of Agricultural Marketing and Agri Business.

6. The learned counsel for the petitioner expressed the grievance that even out of the enhanced compensation amount, a very low compensation was fixed in this case and the property has also not been put to use and therefore, the respondents can be directed to reconvey the property.

7. In the considered view of this Court, acquisition proceedings had taken place in the year 1988 and the compensation has also been received by the petitioner. That apart, the property has been earmarked for usage of Agricultural Marketing Committee. Therefore, there is no scope for ordering for reconveyance of the land at this length of time. The relief sought for by the petitioner cannot be granted by this Court.



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8. In the result, this writ petition stands dismissed. No costs.

06.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.17283 of 2020

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