



W.P(MD)No.9235 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9235 of 2015
and
M.P.(MD)Nos.2 & 3 of 2015

1.S.Poochi Ammal

2.Irulayee

... Petitioners

Vs.

1.The Secretary to Government,
Handlooms, Handicrafts, Textiles & Khadi
Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.

2.The Director of Handlooms & Textiles,
Kuralagam, Chennai 600 108.

3.The District Collector,
Madurai District,
Madurai.

4.The Revenue Divisional Officer,
Madurai.

5.The Tahsildar,
Madurai South Taluk,
Madurai.



W.P(MD)No.9235 of 2015

6.The Joint Sub Registrar IV
Madurai.

7.M/s.Guajarat Heavy Chemicals Ltd.,
Paravai, Samayanallur,
Madurai.

8.M/s.Viswas Promoters Private Limited,
Rep. by its Director,
S.Seetharaman,
No.2-A, Pillayar Koil Street,
S.S.Colony, Madurai 625 010.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned registered sale deed dated 30.03.2005 vide Doc. No. 2249/2005 on the file of the 6th Respondent executed by the 7th Respondent in favour of 8th Respondent and quash the same and consequently direct the respondents 1 to 5 herein to re-convey the lands of the petitioner in S. No. 25/B2 admeasuring 1.04 acres in Madakulam Village, Madurai Taluk within mutation of revenue records in favour of petitioners.

For Petitioners : Mr.C.Jeganathan

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader for R1 to R6
: Mr.M.Sridhar for R7
: Mr.S.Parthasarathy for R8

ORDER

Heard the learned counsel on either side.



W.P(MD)No.9235 of 2015

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2. The writ petitioners are sisters. Their claim is that their father was the owner of the land in Survey No.25/B2 in Madakulam, Madurai, measuring 1 acre and 4 cents. The lands were acquired way back in the year 1956 for public purpose. The case of the petitioners is that the purpose for which lands were acquired was not effectuated. In the meanwhile, there has been a changing of hands. The 7th respondent had taken over the lands and that they had sold the petitioner mentioned lands in favour of the 8th respondent. The petitioners want the said sale transaction to be nullified. They also want the Government to resume and reconvey the same to the petitioners herein.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The writ prayer is strongly contested by all the respondents herein. The 7th respondent has filed counter affidavit and the learned counsel took me through its contents. The 8th respondent has also filed counter affidavit as well as the typed set of papers. The learned Additional Government Pleader relied on the order dated 2.11.2015 in W.A.(MD)No.965 of 2015 and contended that



W.P(MD)No.9235 of 2015

the question of reconveyance cannot arise in respect of the acquisition proceedings that got concluded several years ago. The respondents pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record. While I assume for a moment that the land was acquired from the father of the petitioners herein, the fact remains that the acquisition took place way back in the year 1956. The award was passed in the year 1958. The land was handed over to Sri Meenakshi Mills Limited. The purpose for acquisition was for laying the drainage system. It is categorically asserted by the respondents that the drainage system was laid by Sri Meenaksi Mills Limited and that it is available as on date. The proceedings were initiated under BIFR against Sri Meenakshi Mills Limited. Sri Meenakshi Mills Limited was subsequently amalgamated with the seventh respondent herein. The seventh respondent sold the petition mentioned lands along with the other items in favour of the eight respondent on 30.03.2005 vide Document No.2249/2005. This sale transaction is purely a private transaction between the 7th and 8th respondents. Such sale deed cannot be nullified in writ proceedings. The Hon'ble Division Bench vide order dated 2.11.2015 in W.A.(MD)No.965 of 2015 had observed that with the increase in the value of the properties, there is



W.P(MD)No.9235 of 2015

clamour for invoking Section 48-B of the Land Acquisition Act, 1894. Section 48-B has since been repealed. Following repealing of the Land Acquisition 1894 Act, Section 48-B is no longer in the statute book. Even when it was in the statute book, it did not confer any absolute right on any individual.

6. In view of the subsequent developments, I am more than satisfied that no case for interference has been made out. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

07.09.2023

Index : Yes / No
Internet : Yes/ No
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To

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W.P(MD)No.9235 of 2015

G.R.SWAMINATHAN, J.

rmi

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W.P(MD)No.9235 of 2015

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