



WP(MD)Nos.15585 and 15740 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.15585 and 15740 of 2016
and W.M.P(MD).Nos.11448 and 11530 of 2016

S.Kamalam .. Petitioner in W.P(MD).No.15585 of 2016
S.T.A.Sivaramakrishnan .. Petitioner in W.P(MD).No.15740 of 2016

vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
Aruppukottai,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 4.The Revenue Divisional Officer/Special Tahsildar,
(Land Acquisition),
Neighbourhood, Housing Scheme Unit-I,
Sivakasi,
Virudhunagar District.
- 5.The Chairman,
Tamilnadu Housing Board,



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493, Anna Salai,
Nandanam,
Chennai-35.

6.The Executive Engineer/Administration Officer (Special Cell),
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai-10.

.. Respondents in both petitions

Prayer in W.P(MD).No.15585 of 2016: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 29.07.2016 (signed on 03.08.2016) passed by the fourth respondent rejecting the request of the petitioner to return back her house site in Survey No.293/2B1 measures about 8.25 cents in Patta No.713 situated at Villipathiri Village, Aruppukottai Taluk, Virudhunagar District and quash the same and consequently direct the respondents to return back the petitioner's house plot to her.

Prayer in W.P(MD).No.15740 of 2016: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 20.11.2015 passed by the third respondent rejecting the request of the petitioner to return back his house plot in Survey No.293/2B measures about 8.65 cents in Patta No.713 situated at Villipathiri Village, Aruppukottai Taluk, Virudhunagar District and quash the same and consequently direct the respondents to return back the petitioner's house plot to him.



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In both petitions

For Petitioners : Mr.I.Suthakaran

For Respondents : Mr.G.Surya Ananth,
Additional Government Pleader
for R1 to R4
Mr.R.Sivakumar
Standing Counsel for R5 and R6

COMMON ORDER

These Writ Petitions have been filed challenging the impugned orders, dated 20.11.2015 and 29.07.2016, rejecting the request of the petitioners to return back their house sites in Survey Nos.293/2B and 293/2B1 in Patta No.713, situated at Villipathiri Village, Aruppukottai Taluk, Virudhunagar District.

2. The learned counsel appearing for the petitioners submits that the petitioners are the land owners in the aforementioned survey numbers and their lands have been acquired by the Government under the Neighbourhood Housing Scheme vide Award No.1/1993, dated 09.08.2023. However, the properties were not utilised for the purpose for which they were acquired. Hence, the petitioners have made requests to return back their house sites and the same was rejected vide



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the impugned orders. Challenging the same, the present Writ Petitions have been filed.

3. The learned Additional Government Pleader appearing for the respondents submits that the lands of the petitioners have already been handed over to the Chairman of the Tamil Nadu Housing Board and the Tamil Nadu Housing Board has converted the lands as plots and sold out the same under the Tamil Nadu Housing Board Scheme to third parties and the award amount has also been deposited before the competent Court. The learned counsel by relying on the decision of the Hon'ble Supreme Court of India in the case of ***Indore Development Authority and others vs. Manoharlar and others*** reported in ***(2020) 8 SCC 129***, submits that these Writ Petitions are not maintainable, since possession has been taken and the award amount has been deposited before the Court.

4. This Court considered the rival submissions made and perused the materials available on record.

5. The Government has acquired the properties of the petitioners and others in the year 1993 vide Award No.1/1993 under the Neighbourhood Housing



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Scheme and the properties have been handed over to the Tamil Nadu Housing Board. The Tamil Nadu Housing Board has converted the properties of the petitioners as plots and has also sold out the plots to various third parties under the Tamil Nadu Housing Board Scheme and the award amount has already been deposited before the competent Court as contended by the learned Government Advocate appearing for the respondents. There is no provision available to reconvey the land to the original land owners under the Act. Therefore, the relief sought for in this Writ Petition by the petitioners to return back their house sites cannot be granted by this Court, since the properties of the petitioners have been converted as plots and were sold out to third parties by the Tamil Nadu Housing Board under the Tamil Nadu Housing Board Scheme.

6. Accordingly, these Writ Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

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To

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