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Review Application No.192 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

Review Application No.192 of 2012

against

W.A.No.791 of 2012

D.Thompson

...Petitioner

Vs.

1.The Secretary to the Government,
Land and Revenue,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2.The District Collector,
Tuticorin District,
Korampallam,
Tuticorin – 628 101.

... Respondents

PRAYER : Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C. praying to review the order dated 16.07.2012 passed in W.A.No.791 of 2012 on the file of this Honourable Court by allowing this Review Application.



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For Petitioner : Mr.S.Subbiah, Senior Counsel for
Mr.P.Raja.

For Respondents : Mr.A.Selvendran,
Special Government Pleader (For R1 & R2)

ORDER

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The Review Application has been filed against the order dated 16.07.2012 passed in W.A.No.791 of 2012 on the file of this Court.

2. The learned Senior Counsel Mr.S.Subbiah, appearing on behalf of the petitioner would contend that the land acquired are encroached upon by few persons. The Government has not utilised the land for the purpose for which the lands were acquired from the land owners. Thus, the petitioner is entitled to seek reconveyance of land under Section 48(B) of the Land Acquisition Act.



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3. Reconveyance of the acquired land cannot be claimed as an absolute right. An administrative decision by the Government is to be taken in this regard. Lands were acquired for developing Tuticorin Port in the year 1964-65. Award was passed in the year 1964 itself. It is not in dispute that the compensation due were settled to the erstwhile land owners. Once the lands are acquired, it absolutely vest with the Government and the title transfers to the Government and consequently the revenue records are also mutated.

4. Section 48(B) of the Land Acquisition Act is an enabling provision to take a decision by the Government. However, on acquisition, title of the property is transferred in the name of the Government. Thus, the erstwhile owners cannot seek reconveyance as a right. With reference to the allegations of encroachment, the competent authority are bound to protect the Government land and utilise the same for public purposes. In this regard, the authorities are obligated to initiate appropriate action to ensure that the lands are utilised for public purposes.



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5. The petitioner himself admits that the lands covered under the Award No.6/64 and 9/64 were given possession to the Tuticorin Harbour Project but lands covered under Award No.31/65 were not given possession to the Tuticorin Port Project but retained by the State Government itself.

6. Once the lands are acquired, it is for the Government to take a decision to handover it to the requisitioning body or utilise the same for other public purposes. Even if the lands are acquired for developing Tuticorin Harbour Project, the Government is empowered to utilise the land for other public purposes also. Beyond all this, the application seeking reconveyance of land has been filed after a lapse of several years.

7. That being the legal position, reconveyance of land at this length of time cannot be sought for as a right. More so, we are not called upon to decide the issues on merits since the writ petition and the writ appeal filed by the review petitioner are dismissed.



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8. Since we do not find any error apparent on record to interfere with the order sought to be reviewed. Thus, the present review petition stands dismissed. No costs.

(S.M.S.J.,)

(C.K.J.,)

10.07.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

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and

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