



WEB COPY

W.P.No.7218 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.7218 of 2020

and

W.M.P.Nos.8630 & 8632 of 2020

1.R.Gunasekaran

2.R.Dakshinamoorthy

3.R.Eashwaramoorthy

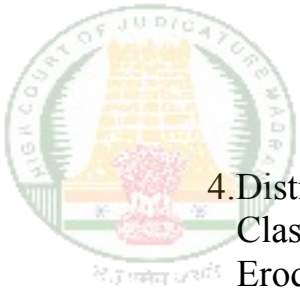
... Petitioners

Vs.

1.Revenue and Disaster Management Department,
Rep. by its Secretary,
Secretariat,
Fort St. George, Tamil Nadu 600 009.

2.Government of Tamil Nadu,
Rep. by Additional Chief Secretary,
Commissioner of Land Administration,
Ezhilagam, Chennai – 600 009.

3.The District Collector,
District Collector Office,
Erode District.



4.District Backward and Most Backward
Class Welfare Officer (Tahsildar)
Erode District Collector Office,
Erode,
Erode District.

5.The Tahsildar,
Anthiyur Taluk,
Anthiyur Post,
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the record of the impugned order of the 1st respondent in G.O.Ms.No.58 dated 24.01.2020 confirming the proceeding of Erode District Collector vide Na.Ka.No.71946/1995/N6 dated 21.02.2018 and quash the same and consequentially direct the respondents to consider allotment of any other available poramboke land or other lands in place of the existing acquisition of lands in S.No.1520/1.

For Petitioners : Mr.Naveen Kumar Murthi

For Respondents : Mr.A.Selvendran
Special Government Pleader



ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The order of the Government issued in G.O.Ms.No.58, Revenue and Disaster Management Department dated 24.01.2020 is sought to be quashed in the present writ proceeding.

2. It is not in dispute that the subject property described in the present writ petition has been acquired for public purposes by the Government by invoking the provisions of the Land Acquisition Act. The compensation due to the erstwhile owner had already been settled. The Government in its order had stated that the petitioners have already filed 10 litigations questioning the acquisition of land for public purposes and all the cases were rejected against the writ petitioners.

3. The petitioners submitted a representation to re-convey the land. The Government has rejected the claim of the petitioners to re-convey the land. Re-conveyance of the acquired lands cannot be claimed as an absolute right. Re-conveyance is the discretion of the Government to be granted, if the lands



acquired are not utilised.

4. However, it is not necessary that the lands acquired are to be utilised only for the purpose for it was acquired. Even the Government is empowered to utilise the land for any other public purposes, since the Government after acquisition became the absolute owner of the property. In other words, the acquired lands vest with the Government and thus, the re-conveyance cannot be claimed as a matter of right.

5. In the present case, the Government considered the claim of the petitioners and rejected the representation seeking re-conveyance of the acquired lands and High Court in exercise of powers of judicial review has no reason to interfere with such a decision taken by the Government in public interest.

6. The respondents are directed to take possession of the acquired property immediately, if not taken already and utilise the land for public purposes in the manner known to law. The possession is directed to be taken within a period of four (4) weeks from the date of receipt of a copy of this



order.

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7. Accordingly, this Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

[S.M.S., J.] [K.R.S., J.]
12.03.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The Secretary,
Revenue and Disaster Management Department,
Secretariat,
Fort St. George, Tamil Nadu 600 009.
- 2.The Additional Chief Secretary,
Government of Tamil Nadu,
Commissioner of Land Administration,
Ezhilagam, Chennai – 600 009.
- 3.The District Collector,
District Collector Office,
Erode District.
- 4.District Backward and Most Backward
Class Welfare Officer (Tahsildar)
Erode District Collector Office,
Erode,
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5.The Tahsildar,
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and
K.RAJASEKAR, J.

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