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Review Application No.162 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Review Application (Writ) No.162 of 2023
against
W.P.No.11764 of 2012
and W.M.P.No.29100 of 2023

1. A.G.Chandran
2. A.G.Subramani
3. D.Jaya
4. D.Saravanan
5. D.Mohan Kumar

... Applicants

-Vs-

1. The Commissioner and Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai – 600 009.
2. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Anna Salai, Chennai – 600 035.
3. Tamil Nadu Housing Board,
Vellore Division,
represented by the Executive Engineer and
Administrative Officer,
Sathuvachari,
Vellore – 632 09.



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4. The Special Tahsildar (Land Acquisition),
For Tamil Nadu Housing Board,
Taluk Office,
Tirupattur,
Vellore District.

... Respondents

Prayer:- Review Application filed under Order 47 Rule 1 of CPC read with Section 114 of CPC to review the order passed by this Hon'ble Court in W.P.No.11764 of 2012 dated 09.09.2021 and allow the writ petition.

For Applicants : Mr.D.Rajagopal
For R1 : Mr.R.Murugavel
Additional Government Pleader
For R2 and R3 : Mr.S.Ramachandran

ORDER

This Review Application has been filed to review the order passed by this Court in W.P.No.11764 of 2012 dated 09.09.2021, on the ground that the petitioner was not present before this Court at the time of passing the order in the writ petition.

2. Heard the learned counsel on either side and perused the materials available on record.

3. This Court, on 09.09.2021 had passed the order in W.P.No.11764 of 2012 by extracting the counter affidavit that the land owner had already challenged the land acquisition proceedings by way of writ petition in



W.P.No.2300 of 2003 and the same was dismissed. Further, it was challenged by way of an appeal in W.A.No.170 of 2010 and the same was also dismissed by the Judgment dated 01.11.2010. Further, the writ petition has been filed with a prayer that there is a Government Order in G.O.Ms.No.1451 Housing and Urban Development Department, dated 28.10.1988 relating to dropping of lands in non-nodal towns for Housing Schemes of Tamil Nadu Housing Board. In the annex of that Government Order, it is clearly mentioned that the Kondasamuthiram Village, in which the petitioners' land situated has to be dropped. It was not brought to the knowledge of this Court.

4. A perusal of the counter filed by the third respondent revealed that G.O.Ms.No.1451 Housing and Urban Development Department, dated 28.10.1988 decided to drop the Land Acquisition proceedings related to non-nodal towns including Gudiyatham. On the basis of that policy, the Government had dropped the acquisition proceedings in respect of 28.60 acres of land wherein no further proceedings were continued and no award was passed. In respect of the petitioners' land is concerned, the acquisition proceedings has been completed and the award was passed on 13.10.1988 that too prior to the said Government Order. Thereafter, possession was also taken on 25.11.1988. Therefore, the petitioner cannot seek attention of the



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Government Order passed in G.O.Ms.No.1451 Housing and Urban

Development Department, dated 28.10.1988.

5. In view of the above, this Court finds no grounds to review the order passed by this Court in W.P.No.11764 of 2012 dated 09.09.2021. Accordingly, this Review Application is dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

28.02.2024

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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