



W.P.No.12161 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12161 of 2020

and

W.M.P.No.14896 of 2020

1. M.Chellamal
2. Manimekalai

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. by Secretary to
Government Transport Department,
Fort St. George, Chennai-9.

2. The District Collector,
Salem.

3. The Director General,
Road Development,
Government of India,
Ministry of Surface Transport,
Transport Bhavan, New Delhi-1

4. The Chief Engineer Office,
National Highways,
Chepauk, Chennai-5

5. The Superintendent Engineer,
National Highways Department,
Aasthampatti Main Road, Salem.

... Respondents



W.P.No.12161 of 2020

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to reconvey or free it of encumbrance the lands admeasuring 2.68.5 hectares in S. Nos.145/3 in Komarapalayam Amani Village, Thiruchengode Taluk, Salem District, to the petitioners

For Petitioners : Mr.Sunny S. for
Mrs.V.Srimathi

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader
(for R1,R2, R4 & R5)

No Appearance (for R3)

ORDER

The writ petition has been instituted to direct the respondents to re- convey the lands or free it from encumbrance, admeasuring 2.68.5 hectares, in S.Nos.145/3, in Komarapalayam Amani Village, Thiruchengode Taluk, Salem District, to the petitioners.

2. It is not in dispute that the land belonging to the petitioners were acquired by the Government. The petitioners received compensation and the acquisition process completed long before. The petitioners state that the land acquired from them were not utilized by the Government for the



W.P.No.12161 of 2020

purpose of which it was acquired and the land remains unutilized. Since the land acquired have not been utilized for public purposes, the petitioners submitted representation to the re-convey the lands.

2. To substantiate the claim, the learned counsel for the petitioner relied on the Government Order passed in the G.O.Ms. No.306, Revenue Department dated 14.3.1986, wherein, an amendment has been issued to the Revenue Standing Order 90(32). Relying on the said Government Ordered, the learned counsel states that the petitioner is entitled for re-conveyance of the land acquired.

3. It is hard to accept the proposition as moved out by the petitioners in view of the fact that re-conveyance of an acquired land is not an absolute right of the erstwhile owner. Once the lands were acquired by the Government for public purposes, the title is transferred and the land vest with the Government. That being so, the erstwhile owner cannot claim re-conveyance of the acquired land as a matter of right. If at all, the Government takes a policy decision to re-convey the land, then alone it must be done but not otherwise.

4. In the present case, the lands were acquired long back and the



W.P.No.12161 of 2020

petitioners had already received the compensation. That being so, mere submission of representation to the Government would confer no right on the petitioners to file a writ petition and seek a direction to consider the same.

5. Even issuing such directions would do no service to the cause of justice. The petitioners will be back again to the Court by way of another litigation.

6. That being the principles to be followed, the petitioners have not established any right to issue any such direction to the Government to consider his claim.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To



W.P.No.12161 of 2020

1. The Government of Tamil Nadu,
Rep. by Secretary to
Government Transport Department,
Fort St. George, Chennai-9.

2. The District Collector,
Salem.

3. The Director General,
Road Development,
Government of India,
Ministry of Surface Transport,
Transport Bhavan, New Delhi-1

4. The Chief Engineer Office,
National Highways,
Chepauk, Chennai-5

5. The Superintendent Engineer,
National Highways Department,
Aasthampatti Main Road, Salem.



WEB COPY



W.P.No.12161 of 2020

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.12161 of 2020

03.01.2024