



W.A.No.2296 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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V.Pappitha

.. Appellant

Vs

- 1.The Government of Tamil Nadu,
rep. by its Secretary to Government,
Housing & Urban Development Dept.,
Fort St. George, Chennai-9.
- 2.The Tamil Nadu Housing Board,
rep. by its Chairman & Managing Director,
Nandanam, Anna Salai,
Chennai-35.
- 3.The Executive Engineer &
Administrative Officer,
TNHB, Coimbatore Unit,
Tatabad,
Coimbatore-600 035.
- 4.The Special Tahsildar (LA) &
Land Acquisition Officer,
Housing Scheme Unit – I Tatabad,
Coimbatore.

.. Respondents



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Prayer : Appeal under Clause 15 of the Letters Patent against the order dated 12.2.2024 made in W.P.No.3128 of 2024

For the Appellant : Mr.S.Mukunth
Senior Counsel
for M/s.Sarvabhauman Associates

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for respondent No.1

: Mr.M.Arun Kumar
Standing Counsel
for respondents 2 and 3

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This intra-court appeal is filed questioning the correctness of the order dated 12.2.2024 passed by the learned Single Judge in W.P.No.3128 of 2024.

2. The facts in a nutshell are as follows: The lands of the appellant were acquired for the purpose of housing scheme. The said lands were not utilised for the purpose they were acquired. Seeking re-conveyance of the said lands, the appellant filed



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W.P.No.34278 of 2022. By order dated 21.12.2022, a learned Single Judge of this court directed the representation of the appellant to be considered within six weeks from the date of receipt of the said order. The respondent authorities rejected the request of the appellant by proceedings dated 28.3.2022. Assailing the same, the appellant filed the writ petition. As the said writ petition was dismissed, the present appeal is filed.

3. Learned Senior Counsel appearing on behalf of the appellant submitted that the appellant is in possession of the property till date and she is also paying property tax in respect of the said property and, therefore, the claim of the respondents that they are in possession does not hold water.

4. Learned State Government Pleader submitted that the acquisition proceedings were initiated in the year 1981 and the award was passed in the year 1986. The award amount was deposited into court on 29.3.1988. The possession was taken by the government on 21.11.1988. The scheme is being implemented



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in phases and still the project is under consideration and is not abandoned.

5. Heard learned counsel on either side and perused the order passed by the learned Single Judge.

6. The learned Single Judge after considering the rival submissions observed that subsequent to the passing of the award, the amount was paid and the appellant had also received the same and the possession vests with the government. It was further observed that the government has not given up the project, nor abandoned it. Moreover, the factum of receipt of the compensation amount is not disputed by learned Senior Counsel for the appellant. In our considered opinion, the finding arrived at by the learned Single Judge does not warrant interference.

7. For the foregoing reasons, the writ appeal is dismissed. However, the dismissal of the appeal shall, in future, does not preclude the appellant from seeking re-conveyance of lands in the



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manner known to law, if the same remain unutilised. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B, J.)
19.08.2024

Index : Yes/No
NC : Yes/No
sasi

To

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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

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