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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-01-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.12637 of 2020
And
WMP No.15610 of 2020**

1.T.Selvaraj

2.T.Senthilkumar

.. Petitioners

-VS-

1.The State of Tamil Nadu Represented by
its Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.

2,The District Collector,
Erode District,
Erode-638 011.



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3. The Revenue Divisional Officer,
(Land Acquisition Officer,
Erode-638 001.

4. The Managing Director,
Tamil Nadu State Transport Corporation,
Mettupalayam Road,
Coimbatore-641 043.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioners' representation dated 05.11.2019 to re-convey the lands measuring 1.28 acres acquired in R.S.Nos.227/2A and 227/3B, Attavanai Pidariyur Village, Perundurai Taluk, Erode District.

For Petitioners : Mr.N.Manoharan

For Respondents-1 to 3 : Mr.G.Ameedius,
Government Advocate.

ORDER

The Writ of Mandamus has been instituted to direct the first respondent to consider the representation submitted by the petitioners on



05.11.2019 to re-convey the lands measuring 1.28 acres acquired in R.S.Nos.227/2A and 227/3B, Attavanai Pidariyur Village, Perundurai Taluk, Erode District.

2. The land belonged to the petitioners was acquired for public purposes in the year 1991.

3. It is not in dispute that the petitioners, who are the erstwhile owners of the land, received compensation including enhanced compensation, which was subsequently ordered through the Court of Law. Once the lands acquired, vest absolutely with the Government, the title transferred in the name of the Government, the Government is at liberty to utilise the land for public purposes. It is not necessary that it must be utilised for the purpose for which it was acquired, but also it may be used for any other public purposes if any policy decision is taken by the Government.

4. As regards, the right of the erstwhile land owners, the re-conveyance cannot be claimed as an absolute right even under Section 48-B



of the old Land Acquisition Act. The Government may at its discretion re-convey if a decision is taken not to utilise the acquired land for any other public purposes. However, the High Court in exercise of its judicial powers of review, cannot direct the Government to re-convey the land.

5. The learned counsel for the petitioners made a submission that direction may be issued to the respondents to consider the representation. Such a direction if issued would do no service to the cause of justice. Contrarily, the litigants will be back again for filing another writ petition and it will end in multiplicity of proceedings unable to resolve the issues.

6. In the present case, the lands were acquired in the year 1991 and the enhanced compensation was also received by the petitioners.

7. That being the factum, this Court cannot issue any direction to re-convey the land or to consider the representation as such sought for by the petitioners in the present writ proceedings. In the absence of any such right, no writ is entertainable. Since the petitioners have not established any



right to seek re-conveyance, this Court is not inclined to consider the present writ petition.

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8. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Transport Department,
Secretariat,
Chennai-600 009.
- 2,The District Collector,
Erode District,
Erode-638 011.
- 3.The Revenue Divisional Officer,
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4. The Managing Director,
Tamil Nadu State Transport Corporation,
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