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W.A.No.2491 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.A.No.2491 of 2021

and

CMP.Nos.16177 of 2021 & 25389 of 2023

A.Venkatesan

... Appellant

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St., George,
Chennai-600 009.
2. The Special Tahsildar,
Land Acquisition,
Salem Neighbourhood Scheme,
Salem-636 008.
3. The Chairman,
Tamil Nadu Housing Board,
TNHB Complex,
Nandanam, Chennai-600 035.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order passed in W.P.No.16510 of 2020 dated 01.12.2020 by the learned Judge of this Hon'ble Court.



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For Appellant : Mr.M.Elango

For Respondents : Mr.A.Selvendran
Special Government Pleader for R1 & R2
Mr.A.M.Ravindranath Jeyapal
Standing Counsel for R3

J U D G M E N T

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The claim of the Writ Appellant to reconvey the acquired land was rejected by the Writ Court. Challenging the same, the present intra-Court appeal has been filed.

2. The contention of the learned counsel appearing on behalf of the appellant is that the land acquired from the appellants are not utilized by the Tamil Nadu Housing Board for the purpose for which it was acquired. Since the land has not been utilised for housing scheme purposes, the land is to be reconveyed by the Housing Board to the erstwhile owners.

3. The learned Single Judge considered the order of rejection passed by the Government regarding the claim of the appellants for reconveyance of land and relied on the judgment of the Hon'ble Supreme Court in *State of*



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Kerala and others Vs. M.Bhaskaran Pillai and another reported in (1997)

5 SCC 432. The Division Bench of this Court in the case of ***Managing Director, Tamil Nadu Housing Board, Nandanam Vs. N.Ravichandran*** reported in **2009 6 MLJ 615** also considered the right of the erstwhile land owners for seeking reconveyance of the acquired land.

4. Admittedly, in the present case, the land belonged to the appellants were acquired by following the due process. The appellants participated in the enquiry proceedings, award passed and the compensation was deposited. On completion of the land acquisition proceedings, the title transferred from the erstwhile owners to the Government and the Government consequently allotted the land to the Tamil Nadu Housing Board for developing Housing schemes. Non utilisation of the land by the Tamil Nadu Housing Board would not confer any right on the erstwhile owners to seek reconveyance of land. If at all a decision has been taken by the Government to reconvey the land, then alone such order can be passed. Court cannot issue a direction to reconvey the land, since the acquired lands vest with Government, which can be utilised for any other public purposes. If at all the Tamil Nadu Housing Board is not interested in developing the housing schemes, Housing Board has to surrender the lands to the Government for using the same for any other



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public purposes. Contrarily, the said ground cannot be considered for the purpose of reconveyance of the land to the erstwhile owners. In the present case, the Government rejected the claim of the appellants for reconveyance by assigning reasons, which are all candid and convincing. The Writ Court also considered the grounds stated in the order passed by the Government. For all these reasons, we are not inclined to entertain the Writ Appeal.

5. Accordingly, the writ order dated 01.12.2020 passed in W.P.No.16510 of 2020 stands confirmed and the Writ Appeal stands dismissed. No costs. Consequently, connected CMPs are also closed.

[S.M.S., J.] [C.K., J.]
05.06.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No



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