



WEB COPY



W.P.No.30471 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.30471 of 2024
and WMP.No.33108 of 2024

S.Udhaya Sankar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai – 600 008.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records relating to the impugned Government letter No.1422/UD3 (1)/2008-31, dated 14.09.2018 and quash the same as illegal and consequently direct the 1st respondent herein to reconvey the Survey No.545/3 and Survey No.547/3 Thirukatchur Village, Chengalpattu Taluk, Kancheepuram District measuring an extent of 0.11 cents and 0.25 cents respectively to the petitioner.

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For Petitioner : Mr.R.Balachanderan
For Respondents : Mr.P.Sathish
Additional Government Pleader
for R1, R3 and R4
Mrs.K.Mageswari
Standing Counsel (CMDA) for R2

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The writ petition is filed challenging the letter issued by the first respondent dated 14.09.2018 informing the petitioner that request made by the petitioner for re conveyance will be considered after the decision of the Constitution Bench of the Supreme Court, with regard to the scope of Section 24(2) of the Land Acquisition Act.

3. Now, the scope of Section 24(2) of New Act has been decided by Apex Court in *Indore Development Authority vs. Manoharlal and others* reported in (2020) 8 SCC 129, therefore, there is no impediment



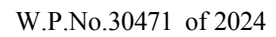
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for the first respondent to consider the request of the petitioner in the light of the decision therein. Therefore, the petitioner is directed to submit a fresh representation to the first respondent and the same shall be considered in the light of the order passed by the Supreme Court in ***Indore Development Authority case.***

4. Accordingly, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

17.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

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S.SOUNTHAR, J.

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