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W.P. No.3128 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3128 of 2024 and
W.M.P. Nos.3400 and 3402 of 2024

V.Pappitha

... Petitioner

Vs.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records of the 2nd respondent dated 08.08.2023 in Na.Ka.No.3/15153/2021, quash the same and direct the 1st and 2nd respondents to recover the land bearing Survey



No.S.F.No.58 to an extent 0.87 cents, S.F.No.63 to an extent 1.81 + 0.25 total 2.93 acres, situated at Veerakeralam Village.

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For Petitioner : Mr.B.Nedunchezhiyan

For R1 and R4 : Mr.A.Selvendran
Special Government Pleader

For R2 and R3 : Mr.V.Gunasekar
Standing Counsel for TNHB

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus to call for records of the 2nd respondent dated 08.08.2023 in Na.Ka.No.3/15153/2021, quash the same and direct the 1st and 2nd respondents to recover the land bearing Survey No.S.F.No.58 to an extent 0.87 cents, S.F.No.63 to an extent 1.81 + 0.25 total 2.93 acres, situated at Veerakeralam Village.

2. Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents 1 and 4. Mr.V.Gunasekar, learned Standing Counsel for TNHB takes notice for the respondents 2 and 3.

3. The learned counsel for the petitioner submitted that the land was



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acquired for the purpose of housing scheme, but subsequently, the respondents have not utilized the land and still the possession is with them and that the land has not been utilized for the purpose for which it was acquired. Even though the acquisition was initiated in the year 1983 itself, the land was not utilized for the purpose for which it was acquired and the land is kept un-utilized. Earlier, when the petitioner had filed a writ petition in W.P.No.34278 of 2022, this Court, by order dated 21.12.2022, gave liberty to the petitioner to get re-conveyance and after obtaining that order, the petitioner made a representations dated 22.10.2021 and 28.03.2022 to the respondents/TNHB. But the same was not considered and the second respondent simply passed the impugned order rejecting the same. Even as per the impugned order, the scheme is not yet implemented. When a land which was acquired is not utilized for the purpose for which it was acquired and if the acquired land is kept un-utilized for a long time, the land owners are entitled to get back the land. Therefore, the present writ petition is filed with the above prayer and that the petitioner is ready to re-deposit the amount which was received from the acquisition officer.



4. The learned Special Government Pleader appearing for the respondents 1 and 4 submitted that the acquisition was initiated in the year 1981 and declaration under Section 6 was made in the year 1983. Subsequently, Award enquiry was conducted and the Award was also passed on 23.09.1986 and the amount was also deposited into Court on 29.03.1988 and possession was taken on 21.11.1988 and now the possession is with the Government. Thereafter, the scheme was implemented in the portion of lands for which it was acquired and still the project is under consideration. Under these circumstances, the writ petitioner is not entitled to the relief sought for in this petition.

5. It is seen that already the Award was passed, amount was paid and the writ petitioner has also received the amount and possession was already taken and now the possession is vested with the Government. The acquisition of land is not in dispute. Earlier the petitioner had challenged the same and lost it. Though the learned counsel for the petitioner stated that the Government has given up the project, as per the version of the respondents, the Government has not given up the project. Though the land is kept unutilized, the Government has not taken any stand that in future the land would



not be utilized and the project is totally abandoned. Under these circumstances, the petitioner is not entitled to the relief sought for.

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6. Accordingly, this Writ Petition is dismissed at the admission stage itself. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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P.VELMURUGAN. J.

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