



WEB COPY



W.P.No.29027 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29027 of 2018 and
WMP.No.33937 of 2018

- 1.V.Rani
- 2.Pachaiammal
- 3.Mekala
- 4.V.Bhaskaran
- 5.V.Shiva
- 6.V.Prabhakaran
- 7.V.Gopi
- 8.V.Babu
- 9.V.Sudha
- 10.Sri Devi

... Petitioners

Vs

- 1.The Secretary,
Housing and Urban Development,
Government of Tamilnadu,
Fort St.George,
Chennai 600 009
- 2.The Managing Director,
Tamilnadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai 600 035
- 3.A.Kandasamy
- 4.C.Vaikunta Raja
- 5.Sobha Raja
- 6.T.Balan
- 7.Ajitha Balan



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8.Sanjay A Wadhwa

..... Respondents

Prayer :

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus thereby calling for the entire records pertaining to in the subject matter of the order in letter No.20418/L.A.1(1)/2008-60 dated 23.08.2013 in the subject matter of re-conveyance dated 19.05.1999 in document No.2244/1999 on the file of the Sub Registrar Office, Konnur, Chennai and quash the same thereby directing the first respondent to re-convey the property to an extent of 52 cents of land in Survey no.103/2, Nolambur Village, Ambattur Taluk, Tiruvellore District in favour of the petitioners in the time bound period.

For Petitioners : Mr.K.Mohanamurali

For Respondents

For R1 : Mr.V.Manoharan,
Additional Government Pleader

For R2 : Mr.A.M.Ravindranath Jeyapal,
Standing Counsel

For R8 : Mr.S.Sundaresan

For R6 : Mr.M.Sathish Kumar

For R4, 5, 7 : Mr.S.Joel



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ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 23.08.2013 thereby rejected the request made by the petitioners to reconvey the property to an extent of 52 cents of land comprised in survey no.103/2, Nolambur Village, Ambattur Taluk, Tiruvallur District.

2. The petitioners are the legal heirs of one, P.Valmurthy who died on 21.10.2017. The said Valmurthy and his brother Mannar had owned a property comprised in survey no.103/2 admeasuring 70 cents at Nolambur Village, Sembium, Chengalpet District by way of purchase through registered sale deed dated 14.11.1963 vide document No.3519 of 1963. In pursuant to the requisition made by the second respondent, a draft notification under Section 4(1) of Land Acquisition Act for acquiring the land to an extent of 539.98 acres in Nolambur Village was approved by GO.R.No.307 Housing 11.12.1975 for development of Ambattur Neighbour Scheme. Under the said notification, the subject property was also proposed to be acquired and the same was acquired.



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Accordingly, land to an extent of 52 cents was acquired leaving behind 18 cents by the second respondent. However, the said land was not utilised by the second respondent for the purpose for which it was acquired. While the said Mannar and his brother Valmurthy were alive, they had given power in favour of the third respondent in order to deal with the property by the power of attorney dated 14.02.1991. However, the said Mannar died in the year 1994. Subsequently, the other brother Valmurthy also revoked the power of attorney by his communication dated 12.11.1997 and the same was duly served on the power of attorney i.e. the third respondent. Suppressing the said facts, the third respondent approached the second respondent for reconveyance. On the said request, the subject property was reconveyed in his favour and in turn, he sold out the property to various parties.

2.1 Thereafter, the said Valmurthy approached the second respondent on 06.06.2005 requesting to reconvey the unutilised lands under Section 48B of the Land Acquisition Act. There was no response and as such, he filed writ petition before this Court in WP.No.34315 of



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2005 and this Court by an order dated 25.10.2005, directed to consider the representation submitted by him. Once again, the said Valmurthy as well as one of the legal heirs of Mannar submitted representations and the same were not considered. Therefore, they filed writ petitions in WP.Nos.6785 of and 11023 of 2006. This Court by common order dated 31.08.2010, directed the second respondent to consider the representations of them. After due enquiry, the request made by the said Valmurthy and another legal heir was rejected by order dated 23.08.2013.

3. The learned counsel appearing for the petitioners would submit that the said Mannar died in the year 1994 itself and the other principal had revoked the power of attorney in the year 1997 itself. Suppressing the said facts, the third respondent herein approached the second respondent and the said land was conveyed in his favour. In turn, the third respondent sold out the subject property to various persons i.e. the private respondents herein. The second respondent without even verifying whether the principals are alive or not and without notice to the



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principals, mechanically reconveyed the said property in favour of the third respondent.

4. On perusal of the counter filed by the second respondent and on hearing the submissions made by the learned counsel appearing on either side, revealed that after acquisition of the land admeasuring 539.98 acres including the subject property, the subject property was not utilised for the purpose for which the land was acquired including the other properties. The land was acquired on 11.12.1975 itself. The draft declaration under Section 6 and draft declaration under Section 7 of the Land Acquisition Act were approved by GO.Ms.No.1788 Housing and Urban Development dated 30.12.1978. After declaration, enquiry was conducted on 16.07.1984 and award was passed in award No.9 of 1986 on 05.09.1986. Accordingly, the said Mannar and Valmurthy were paid compensation. Thereafter, as power holder, the third respondent was reconveyed the subject property by the registered document No.2244 of 1999. After period of 6 years, the said Valmurthy submitted representation to reconvey the subject land. The said request was already



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rejected by an order dated 06.10.2005. Once again, the land owners filed writ petition before this Court and this Court directed to consider the representation submitted by them in WP.Nos.6785 of and 11023 of 2006 by an order dated 31.08.2010. As directed by this Court, after conducting detailed enquiry, the request made by the petitioners was rightly rejected since the issue is between the petitioners and the power of attorney.

5. In view of the above, this Court finds no infirmity or illegality in the impugned order passed by the first respondent dated 23.08.2013. As such, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. However, the petitioners are at liberty to approach the civil court as against the power of attorney and subsequent purchasers in the manner known to law, if so advised. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

23.08.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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