



W.P.(MD) No.14196 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.14196 of 2017

A.Panjavarnam

... Petitioner

/vs./

1.The District Collector,
Karur District,
Collectorate Road,
Karur 639 007.

2.The Chairman,
Tamil nadu Housing Board,
O/o. Housing Board,
Nandhanam,
Chennai.

3.The Special Tahsildar (LA),
Trichy Housing Unit Extension Scheme,
Trichy 620 021,
Trichy District.

4.The Executive Engineer / Administrative Officer,
Tamil Nadu Housing Board / Trichy Housing Unit,
Kajamalai Colony,
Trichy 620 020, Trichy District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to re- convey the land in S.No.363 in Thanthoni Village, Karur Taluk to the petitioner by considering the representation dated 01.04.2016.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.D.S.Neduncheziyan
Government Advocate

ORDER

The petitioner has preferred the above writ petition for a Writ of Mandamus to direct the respondents to re-convey the land in S.No.363 at Thanthoni Village, Karur Taluk to the petitioner by considering the representation dated 01.04.2016.

2. The petitioner would submit that the property in question was notified for acquisition on 24.12.1980. The lands were sought to be acquired for the Karur – Gandhigramam Neighbourhood Scheme. The third respondent had sent a notice to the petitioner calling upon her to produce the documents to show her right over the property comprised in S.No.363 for receiving compensation.



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3. The petitioner's contention is that she had not received the notice and that due to the ignorance, it was not complied with. However, it is the contention of the petitioner that steps were not taken to pay the compensation to the petitioner's husband, who was the owner of the land. After his demise, the petitioner alone succeeded to the property. She had therefore executed a power of attorney in favour of one K.R.Subramaniam to maintain the property.

4. The petitioner would submit that to date, the lands have not been utilized for the purpose of which it was acquired and remain un-utilized. Therefore, the petitioner has issued a legal notice dated 15.06.2015 seeking re-conveyance of the land. The fourth respondent vide communication dated 04.07.2015 had informed the petitioner that the compensation amount had been deposited in the Civil Court by the Special Tahsildar (Land Acquisition).

5. The petitioner would further contend that though the land acquisition proceeding had been conducted as early as in the year 1980, compensation was yet to be paid. Therefore, taking note of the character of the land as now stands



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and the fact that it has not been utilized, the petitioner has come forward with the writ in question.

6. The fourth respondent, which is the requisitioning body, has filed a counter *inter alia* contending that the lands were acquired after following all the formalities and that on 17.09.1983, the lands were handed over to them. Thereafter, the fourth respondent has constructed houses by implementing the aforesaid housing scheme and on 12.05.1995, the same was handed over to the Executive Officer, Thanthoni Town Panchayat for the purpose of facilitating the provision of essential amenities such as roads, street lighting, water supply, sewage disposal and open space and etc., The compensation amount has also been deposited in the Sub Court, Karur. Therefore, the respondents would stoutly deny the contention of the petitioner that the lands remain un-utilized.

7. Heard the learned counsel on either side and perused the records.

8. In the light of the statement made by the fourth respondent and taking note of the fact that the compensation amount of Rs.86,943/- due to the petitioner



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had been deposited in the Sub Court, Karur, the relief claimed by the petitioner cannot be granted and the contention that the possession continues to be with the petitioner also appears to be a false statement.

9. In the result, the Writ Petition stands dismissed. It is open to the petitioner to seek payment out of the compensation amount deposited in the Sub Court, Karur. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

13.08.2024

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P.T.ASHA, J.

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