

W.P.No.5983 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.5983 of 2017

and

W.M.P.No.6417 of 2017

- 1.E.Raghupathy
- 2.T.Adilakshmi
- 3.K.Vimala
- 4.R.Ramani
- 5.E.Sulochana
- 6.Latha
- 7.Sheela
- 8.Shanthi
- 9.V.Aravindan
- 10.D.Saravanan
- 11.Samuel
- 12.Alamelu
- 13.Anandhi
- 14.Vignesh



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15.Ashok

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16.Master Elumalai (minor)

Rep by his mother and natural
Guardian Anandhi

17.Master Srinivasan (minor)

Rep by his mother and natural
Guardian Anandhi

18.Karthi

19.Rathinam

.. Petitioners

(petitioners 1 to 15 are represented by their
Power of Attorney Holder, Mr.C.Sudhakar
Reddy at No.28, Teacher Guild Colony,
Villivakkam, Chennai – 600 049.)

Vs.

1.The Government of Tamilnadu,
Rep by its Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai – 600 009.

2.The Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai – 600 035.

3.The Commissioner,
Corporation of Chennai, Rippon Buildings,
EVR Salai, Chennai – 600 003.

4.The Commissioner,
Ambattur Municipality,
Ambattur, Chennai – 600 053.
(Now Merged with Corporation of Chennai)

5.A.S.Dilipan



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6.T.S.Krishna Nagar Welfare Association,
Represented by its President,
No.1488, T.S.Krishna Nagar,
Anna Nagar West Extension, Chennai – 600 037.

7.Kannammal

8.Saradhammal

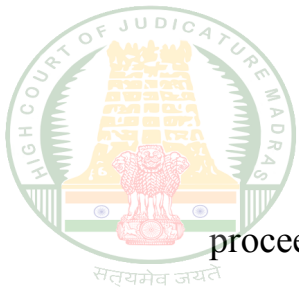
.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in Letter No.15903/LA1(1) 2015-12 dated 27.09.2016 of the 1st respondent and to quash the same in respect of the property belong the petitioners comprised in S.No.296/2 of an extent 1.17 acres, situated at Mogappair Village, Thiruvallur District, and consequently declare the land acquisition proceedings in respect of land in S.No.296/2 to an extent of 1.17 acres belongs to the petitioners as null and void and lapsed in operation of Section 24(2) of Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013 and further to direct the 1st respondent to pass orders for returning the subject property to the petitioners.

For Petitioners	:	Mr.R.Chandrasekaran
For RR 1, 3 & 4	:	Mr.P.Kumaresan
		Additional Advocate General
		Assisted by
		Mr.P.Sathish
		Additional Government Pleader
For R2	:	Mr.A.M.Ravindranath Jeyapal

ORDER

The present writ petition has been filed challenging the



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proceedings of the 1st respondent dated 27.09.2016 and for a consequential direction to declare the acquisition proceedings as lapsed under Section 24(2) of Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2.The petitioners earlier filed W.P.No.32034 of 2007 seeking for re conveyance of the subject property. This writ petition was allowed by an order dated 29.01.2014. Writ appeals came to be filed in W.A.Nos.404, 870 & 1208 of 2014 and all the writ appeals were disposed of in the following terms:

“36.In the light of all the above material information, the factual position, the rival claims made by the parties, the Advocate Commissioner's report, the affidavit of the Managing Director, TNHB, and the objections made thereon, we feel it appropriate that a decision by the appropriate Government in this case applying Section 48-B of the Act and the ruling of the Supreme Court in respect of re-conveyance would be justiciable. Accordingly, while setting aside the impugned order of the authorities concerned dated 03.08.2007 and also the impugned order of the learned Single Judge dated 29.01.2014 made in W.P.No.32034 of 2007 to



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the extent of ordering reconveyance of the lands to the writ petitioners, the matter is remanded back to the Government to consider the claim of the writ petitioners in accordance with law by applying Section 48-B of the Act and also the ruling of the Supreme Court and take a decision within a period of eight (8) weeks from the date of receipt of a copy of this judgment.”

3. Aggrieved by the above order passed by the Division Bench, SLPs came to be filed before the Supreme Court. When the matter came up for hearing on 16.08.2016, the following order was passed by the Supreme Court:

“While keeping the present Special Leave Petitions pending we direct the State of Tamil Nadu to consider the claims of the petitioners for return of the land on the basis of the provisions of Section 48B read with Section 16-B of the Land Acquisition (Tamil Nadu Amendment) Act, 1996. In addition, it will be open for the land-owners to urge the issue with regard to applicability of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which issue will be considered by the State Government



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along with the claims of the land-owners to be similarly situated to other persons whose lands were released by the Government under the provisions of the Act. The required decision of the State Government in terms of the present order, after hearing the land-owners, will be taken within a period of eight weeks from today. Thereafter the said decision will be laid before this Court for further consideration of the matter.

List the matter after eight weeks.”

4.Pursuant to the above order, the impugned proceedings dated 27.09.2016 came to be issued and the claim made by the petitioners for re conveyance was rejected. Thereafter, the matter was again posted before the Supreme Court on 23.03.2017 and the SLPs were disposed of in the following terms:

“In view of order dated 27 th September, 2016 passed by the Secretary, Housing and Urban Development Department, Government of Tamil Nadu, we do not entertain the present Special Leave Petition any further. The petitioners will be at liberty to challenge the said order, if so advised, before the appropriate forum. All contentions, available in law, may be urged before the said Authority in the challenge to be made. We make it



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clear that we have expressed no opinion on merits.”

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5. When the matter came up for hearing on 07.04.2025, the following order was passed by this Court:

“Heard Mr.Elango, learned Senior Counsel appearing on behalf of the petitioners. The learned Senior Counsel made it clear that the present writ petition confines itself only to the challenge made to the impugned proceedings of the first respondent, refusing to re-convey the subject property in favour of the petitioners.

2. Even though various grounds were raised by the learned Senior Counsel, considering the fact that this litigation has been going on for quite a long time and also considering the fact that the property in question is yet to be utilized and it is proposed to be utilized for future projects, it has to be seen whether the request made by the petitioners can be considered in line with G.O.Ms.No.136 dated 10.10.2023. This GO has been acted upon and the subsequent GO has been issued in G.O.Ms.No.247 dated 23.12.2024 where several extents of land has been released from the acquisition proceedings, including those lands at Mogappair Village.

3. Learned Additional Advocate General



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seeks for some time to take instructions in this regard.

4. Post the matter on 21.04.2025 under the caption 'for part heard'."

6.Heard the learned counsel for the petitioner, learned Additional Advocate General Assisted by learned Additional Government Pleader for respondents 1, 3 & 4 and the learned counsel for the 2nd respondent.

7.The petitioners have now confined their relief only with respect to the claim made by them under G.O.Ms.No.136, dated 10.10.2023. In view of the same, it is not necessary for this Court to go into the legality or otherwise of the order passed by the 1st respondent dated 27.09.2016. Without going into the merits of the case and without expressing any opinion, there shall be a direction to the petitioners to submit a fresh representation before the 1st respondent and seek for the relief in line with G.O.Ms.No.136, dated 10.10.2023. On receipt of the same, the 1st respondent shall deal with the representation strictly in line with the G.O. relied upon and final orders shall be passed by the 1st respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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Consequently, the connected miscellaneous petition is closed. No costs.

24.04.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

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Rep by its Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai – 600 009.

2. The Managing Director,
Tamilnadu Housing Board,
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3. The Commissioner,
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N.ANAND VENKATESH, J.

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