



W.A(MD) No.1822 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.1822 of 2025
and
C.M.P.(MD)No.10305 of 2025**

1.S.Tajudeen

S.S.Jahangir (died)

3.A.Kathoon

4.Najima Banu

5.Amsath Banu

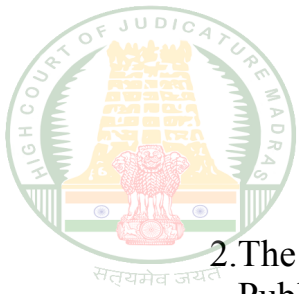
6.Mohammed Ismail Sait

7.Rahmathul Aarifa

... Appellants / Writ Petitioners

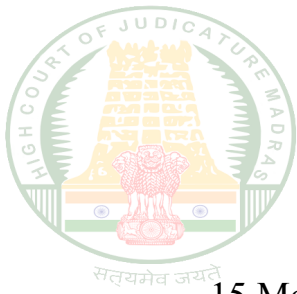
Vs.

1.The Secretary,
Public Works Department,
Government of Tamil Nadu,
St.George Fort,
Chennai.



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- 2.The Executive Engineer,
Public Works Department,
Water Resource Department,
Gokale Road,
Tallakulam,
Madurai.
- 3.The District Collector,
Collectorate Buildings,
Madurai-625 020.
- 4.The District Revenue Officer,
Collectorate Buildings,
Madurai-625 020.
- 5.Aatham Charitable Trust,
Through its Managing Trustee,
4/2, Kayithemillath Nagar,
East Veli Street,
Madurai-1.
- 6.P.N.S.S.Mohamed Kalith Uthin Olith
- 7.K.Mujiba Begum
- 8.A.Sulaiha Begum
- 9.N.S.S.K.Peer Mohammed Iqbal
- 10.A.Anitha Parveen
- 11.P.N.S.S.K.Sheik Abdullah
- 12.Sarputheern
- 13.A.Shameem
- 14.M.Mariyam



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15.Mohamed Hussain

16.B.Abdul Huk

17.Thahira Banu

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 28.10.2024 passed in W.P. (MD)No.10272 of 2015 before this Court and by allowing the writ appeal.

For Appellant : Mr.V.Meenakshi Sundaram

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader
for R1 to R4

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The case on hand pertains to the right of the appellant to seek reconveyance of the land that was acquired for public purpose. The land in question was acquired way back on 26.03.1969. The grandmother of

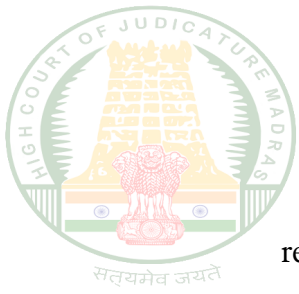


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the writ petitioner sought reference and also obtained enhanced compensation. The land was needed for the purpose of forming a channel to prevent the flooding. The grievance of the writ petitioner is that instead of putting into use for the said purpose, the land is now being put to commercial use. They therefore submitted representation in the year 2012 for reconveyance. Since it was not considered, they filed the writ petition for directing the respondents to consider the representation dated 16.07.2012. Pursuant to the direction given by this Court, the District Collector, Madurai rejected the request. Questioning the same, W.P.(MD)No.10272 of 2015 came to be filed. The writ petition was dismissed by the learned single Judge on 28.10.2024 in the following terms:-

“23. In the instant case, the petitioners have received the compensation and in fact, the original owner of the land, namely the grandmother of the petitioners, had moved the Tribunal for an enhanced compensation, which has also been granted to them. Further, both in the impugned order as well as in the counter, the respondents have stated that the lands that are acquired are needed for the purpose of ensuring that in case of flooding, the water would flow through the sand vent, which has been temporarily closed from the Channel into the river. The work on the Panaiyur Channel also appears to be an on going work.

24. In these circumstances, the request of the petitioners for



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reconveyance of the land cannot be acceded to and I see no reason to interfere with the impugned order of the second respondent passed in Ka.No.Va.3/M10 /R/Ko. 23/2015 dated 12.01.2015.”

Aggrieved by the same, this writ appeal has been filed.

3. There is considerable merit in the contention of the learned Additional Government Pleader that under Section 48(B) of the Land Acquisition Act, 1894, it is only the Government that can take a call regarding reconveyance. But in this case, the appellants appear to have erroneously obtained a direction to the District Collector, Madurai to consider their request for reconveyance. The District Collector, Madurai is not the authority competent to take a call in the matter. Be that as it may, in view of the specific observations made by the learned single Judge made in Paragraph No.23 of the order dated 28.10.2024, we do not propose to interfere. It is well settled that there is no right to seek reconveyance under Section 48(B) of the Land Acquisition Act, 1894. It is purely a discretion conferred on the Government. The writ Court will not be justified in issuing any mandamus in such cases.



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4.The writ appeal is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

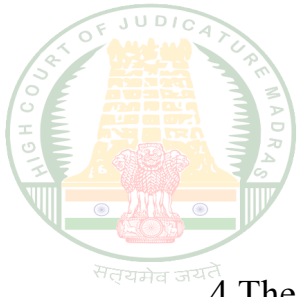
(G.R.S., J.) (K.R.S., J.)
07.07.2025

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