

W.A(MD) No.2241 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.08.2025

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

W.A(MD) No.2241 of 2025

and

C.M.P.(MD)Nos.12738 & 12739 of 2025

S.Chandra Selvaraj

... Appellant / Petitioner

Vs.

**1.The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Chennai-9.**

**2.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai.**

**3.The Special Tahsildar,
(Land Acquisition)
Madurai South Neighbourhood Scheme,
Madurai-20.**

... Respondents / Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed by this Court in W.P.(MD)No. 16820 of 2013, dated 13.11.2024.

For Appellant : Mr.P.T.S.Narendravasan

For Respondents : Mr.N.Satheesh Kumar
Special Government Pleader

JUDGMENT

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

Heard both sides.

2. The petition mentioned property belonged to the appellant's mother. It was acquired way back in the year 1991. Notification under Section 4(1) of the Land Acquisition Act was issued. It was followed by declaration under Section 6 of the Act in the year 1992. The appellant's mother filed W.P.(MD)No.567 of 1993 challenging the acquisition proceedings. The writ petition was dismissed. Questioning the same, she filed W.A.No.23 of 2002. The writ appeal was also dismissed. In the meanwhile, the award was passed and a sum of Rs.3,27,194/- was

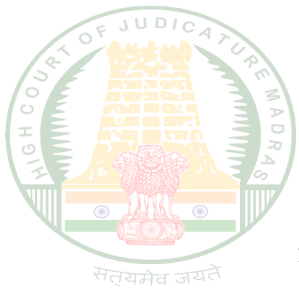


W.A(MD) No.2241 of 2025

also deposited. It appears that the appellant's mother declined to receive the award amount. The appellant's mother executed the settlement deed dated 21.11.2005 in favour of the appellant. Based on the same, the appellant approached the department for reconveyance under Section 48-B of the Land Acquisition Act. The request was rejected vide order dated 10.09.2013 by the Government. Challenging the same, the appellant filed W.P.(MD)No.16820 of 2013. The writ petition was dismissed on 10.10.2013. Aggrieved by the same, the appellant filed W.A.No.1375 of 2013. The Hon'ble Division Bench vide order dated 19.07.2017 remanded the matter for fresh consideration. Post remand, the writ petition once again suffered dismissal vide order dated 13.11.2024. Paragraph No.8 & 9 of the order reads as follows:-

“8. The objections of the petitioner to the acquisition are two fold, are that the lands were not utilised for the purpose for which they were acquired and that the possession of her lands continues with her. As far as the utilization of the lands are concerned, the allotment list produced in the typed set of papers by the 2nd respondent shows that the acquired lands were allotted to various persons between 2018-24 and therefore, the objection of the petitioner in this regard cannot be countenanced.

9. As far as the second submission that the possession continues with the petitioner is concerned, the same also deserves rejection, because the petitioner's mother obtained interim orders



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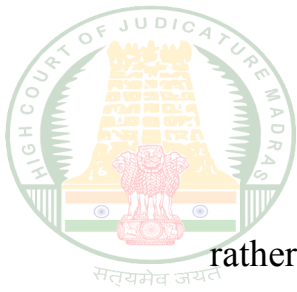


W.A(MD) No.2241 of 2025

restraining the respondents from taking possession in W.M.P.No.859 of 1993 in W.P.No.567 of 1993. The petitioner is continuing in possession under the umbrella of the interim orders obtained by her mother in the earlier round of litigation. It is seen that the 1st respondent in the impugned order stated that the petitioner's lands were absolutely necessary for the said scheme which was already implemented. I therefore find no infirmity in the exercise of discretion vested in the 1st respondent and therefore, the impugned order is sustained.”

3. The question that calls for consideration is whether the order of the learned single Judge warrants interference. It may be true that as on date, the petition mentioned land acquired from the appellant's mother has not been put to any use. Non-user for the purpose for which it was acquired cannot be a ground for reconveyance under Section 48-B of the Act. The Hon'ble Supreme Court in more than one case held that it is open to the Government to utilise the land for some other public purpose.

4. The learned Special Government Pleader states that in future, the land would definitely be used for the purpose for which it was originally acquired. We cannot discount that possibility. These are not matters in which positive direction can be given by the writ Court. They



W.A(MD) No.2241 of 2025

rather lie within the discretion any realm of the Government. We
decline to interfere with the order of the learned single Judge.

5. The writ appeal is dismissed. No costs. Consequently,
connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
08.08.2025

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

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W.A(MD) No.2241 of 2025

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