



W.P.(MD) No.30990 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.30990 of 2024

P.Mohana Krishnan

...

Petitioner

Vs

The Principal Secretary to the Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.

...

Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondent herein to take necessary action upon petitioner's review application, dated 21.11.2024, seeking equitable land as compensation instead of land acquired by the authority without disbursement of any compensation in respect of survey no. 217/1B3, situate at Madakulam Village, Madurai South Taluk, Madurai District, for an extent of 59 cents.



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For Petitioner : Mr.P.Venkatesan

For Respondent : Mr.A.Kannan,
Addl. Govt. Pleader.

ORDER

This Writ Petition is filed for a mandamus, directing the respondent to take necessary action upon petitioner's review application, dated 21.11.2024, seeking equitable land as compensation instead of the land acquired by the authority, without disbursement of any compensation in respect of survey no. 217/1B3, situate at Madakulam Village, Madurai South Taluk, Madurai District, for an extent of 59 cents.

2. The petitioner is the legal heir of one Seethaiyammal and Perayasamy Kone, who inherited the subject property. While so, Tamil Nadu Housing and Urban Development Department acquired the petitioner's lands along with others' lands for Ellis Nagar Scheme, through G.O.Ms.No.155, dated 01.04.1982. The Special Tahsildar (Land Acquisition) passed an award in Award No.7/82-83, dated 04.06.1982. The petitioner states that the award amount was not disbursed to the petitioner's mother. The petitioner filed W.P. (MD) No.1466 of 2024, challenging the order passed by the respondents in the proceedings, dated 16.04.2021, rejecting the request of the petitioner for



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equitable land. This Court disposed of the said writ petition, with liberty to the petitioner to file a fresh representation before the respondent. Accordingly, the petitioner filed a representation, dated 22.04.2024, before the respondent and the same was rejected by the respondent vide order, dated 04.10.2024. The petitioner submitted a review application in person on 21.11.2024 to the respondent to review the order dated, 04.10.2024, but, no action was taken by the respondent on the said review application. Therefore, the petitioner filed the above writ petition for the aforesaid relief.

3. It is seen that the petitioner had earlier filed a writ petition in W.P.(MD) No.13963 of 2013, for a direction to the respondents therein to grant the petitioner an equitable land as compensation under Section 31 (3) and (4) of the Land Acquisition Act,1894. In view of the submission of the learned counsel for the respondent Board that the petitioner's representation for grant of equitable land was rejected, the said writ petition was closed on 31.03.2022, giving liberty to the petitioner to challenge the order of rejection in accordance with law. The petitioner, in pursuance of the aforesaid order of this court, filed W.P.(MD) No.1466 of 2024 and the same was dismissed, giving liberty to the petitioner to move the first respondent Government with a fresh representation, and further directing the Government to consider the fresh representation and pass final orders within a period of twelve weeks from the



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date of receipt of such representation. Thereafter, the petitioner submitted a representation to the respondent on 22.04.2024, but the same was rejected by the respondent vide order, dated 04.10.2024. The petitioner, instead of challenging the order, dated 04.10.2024, filed a review application before the respondent on 21.11.2024, and since the same was not considered by the respondent, the petitioner filed the above writ petition for the aforesaid relief.

4. In my view, the power of review is not inherent, but has to be conferred by law either expressly or implicitly. In the absence of any power with the respondent to review the order, the mandamus, prayed for in the writ petition, cannot be granted. Therefore, finding no merit, this Writ Petition is dismissed. In any event, liberty is given to the petitioner to challenge the order, dated 04.10.2024, passed by the respondent, in the manner known to law, if he is so advised. No costs.

29.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:
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N.MALA, J.

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