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W.P.No.33877 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2026

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The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.33877 of 2022

and

W.M.P.No.33357 of 2022

1. A.K.Muthusamy
- 2 A.K.Sankarprasad
- 3 S.Kirithika

.Petitioners

Vs.

- 1 The Secretary to Tamil Nadu
Housing and Urban Development Department
Fort St.George Chennai-600 009.

- 2 The Managing Director
Tamil Nadu Housing Board CMDA Complex,
E and C Market Road, Koyambedu
Chennai-600 107.

...Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider and dispose of the petitioner's representation dated 24.05.2022 pursuant to the 1st respondent proceedings letter No. 9255 / Ne.A.1 (1) 2022-1 dated 27.05.2022 within a time frame as fixed by this Honorable Court.

For Petitioners : Mr.S.Kasiramalingam

For Respondent-1 : Mr.C.Gowthamaraj,
Government Advocate

For Respondent-2 : Mr.D.R.Arun Kumar
Standing Counsel



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Order

Heard Mr.S.Kasiramalingam, learned counsel appearing for the petitioners, Mr.C.Gowthamaraj, learned Government Advocate for the first respondent and Mr.D.R.Arun Kumar, learned Standing Counsel for the second respondent.

2. This Writ Petition is filed seeking for the following prayer:-

i) For issuance of a mandamus directing the respondents to consider and dispose of the petitioner's representation dated 24.05.2022 pursuant to the 1st respondent proceedings letter No. 9255 / Ne.A.1 (1) 2022-1 dated 27.05.2022 within a time frame as fixed by this Honorable Court.

3. Learned counsel for the petitioner would submit that the petitioners, being owners of the land, submitted a representation dated 24.05.2022 seeking for re-conveyance/return of the un-utilized lands; that despite the fact that the first respondent forwarded a letter dated 27.05.2022 to the second respondent to consider the representation of the petitioners, however, till date, no steps have been taken by the second respondent to redress the petitioners' grievance, hence, the present Writ Petition.



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4. The learned Government Advocate for the first respondent

submitted that number of litigations were filed seeking for reconveyance of the lands, which were acquired by the respondent-Government for the formation of a Scheme called as 'West Madras Neighbourhood Scheme' and pending such litigations, ultimately, in a Writ Appeal filed one of the similarly placed person, the Hon'ble Division Bench of this Court has declared that the Tamil Nadu Housing Board as the 'Owner of the Lands' acquired under the aforesaid Scheme, and added to that, there are interim orders operating against the respondent-Government from releasing the lands, which are in force since 1992, therefore, the respondents herein are not in a position to consider the representation of the petitioners.

5. In reply, the learned counsel for the petitioner do not dispute the position, however, contended that since the land remains un-utilized for six decades, the petitioners have legitimate right to seek for re-conveyance of the same as per the provisions envisaged under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



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6. So far as the learned Standing Counsel for the second respondent, Tamil Nadu Housing Board is concerned, he has produced a proceedings issued by the Government vide G.O.(Ms) No.52 dated 27.03.2025 of Housing and Urban Development (LA-2 (2) Department for reference of this Court and submitted that where, legal finality has been reached and where, the land is not required for any further projects undertaken by Housing Board, the Special Committee in its meeting held on 19.12.2024 (for Madurai and Salem Circle) and on 05.02.2025 (for Chennai and Salem Circle) has recommended for dropping of further proceedings; that the Government, after considering such recommendations, passed orders withdrawing the land acquired proceedings of the lands acquired at Salem and Madurai Circle.

7. I have given due consideration to the submissions made on either side and perused the materials placed on record.

8. It is the case of the petitioner that the petitioners' land were acquired by the respondents-State Government for the formation of 'West Madras Neighbourhood Scheme, however, the purpose, for which, the lands



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were acquired was not achieved, and the lands remain un-utilized for six decades, therefore, the petitioners, being the legal progenies of the deceased owners of the lands, are entitled to get back the land by re-conveyance. Though the petitioners has made a representation dated 24.05.2022 to the respondents and the first respondent, Secretary, Housing and Urban Development Department, Fort St.George, Chennai has in fact, forwarded a letter to the second respondent to consider the petitioners' representation, the said representation has been kept pending by the second respondent for the reasons best known to him. Hence, the present Writ Petition.

9. Thus, this Court, taking into consideration of the aforesaid facts and the proceedings dated 27.03.2025 issued by the Housing and Urban Development (LA-2 (2) Department vide G.O.(Ms) No.52 dated 27.03.2025, wherein, it is seen that the Special Committee, in its Meeting held on 19.12.2024 pursuant to the detailed report filed by the concerned District Collectors along with orders passed by various Courts has recommended for dropping of further proceedings in certain case of land acquisition, where, legal finality has been reached and where, the land is not required for any further projects undertaken by Housing Board and based on such



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recommendation, the Government passed orders withdrawing the land acquisition proceedings of the lands acquired at Chennai, Salem and Madurai Circle, is of the view that there would not be any impediment on the part of the second respondent to consider the representation of the petitioners dated 24.05.2022 and pass appropriate orders in accordance with law in a time bound manner.

10. Accordingly, this Writ Petition is disposed of by directing the second respondent to consider the petitioners' representation dated 24.05.2022 and pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition in W.M.Pno.33357 of 2022, viz., 2-B Petition is ordered.

11.03.2026

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Index : yes/no

Neutral Citation : yes/no

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To

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Krishnan Ramasamy,J.,

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