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C.A.No. 1897 OF 1998  
ITEM NO. 103 COURT NO.3 SECTION XII

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.1897/1998

L.N. VENKATESAN Appellant(s)

Versus

STATE OF T.N. & ORS. Respondent(s)

(with appln.for permission to submit addl. documents and exemption from filing official translation and with office report )

WITH SLP © NO.830/2003 ( with prayer for interim relief)

Date:09/09/2003. These petitions were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For the Appellant(s)  
Mr.V.A. Mohta,Sr.Adv.,  
Mr.V.R. Venkataramani,Sr.Adv.,  
Mr.M.C. Chinnasamy,Adv.  
For the Respondent (s)  
Mr.K. Ramamoorthy,Sr.Adv.,  
Mr.P.N. Ramalingam,Adv.

UPON hearing counsel, the Court made the following

O R D E R

Heard the learned counsel for the parties.

It is submitted by the learned counsel for the appellant that large track of land was sought to be acquired by issuing notification under Section 4 of the Land Acquisition Act, 1894 for the Tamil Nadu Housing Board. However, subsequently, it was found that number of persons have made construction over the land which was under acquisition even after issuance of the notification under Section 4(1) of the Act. Considering the situation, the State Government by :-2:-

G.O. Dated 6.8.1981 directed as under:-

"As the buildings and structures in 6.87 ½ acres mentioned in para 3 above have been put up after 9.8.78 i.e. after the date of publication of 4(1) notification they are not eligible for compensation. Exclusion of these lands will affect the beauty and shape of the layout for the scheme. Further a total extent of 26.10 ½ acres is to be excluded. In the circumstances, the Government have decided that the entire extent of 70.81 ½ acres may be acquired and the owners in the 6.87 ½ acres of land mentioned in para 3 above may be allowed to retain their buildings subject to payment of development charges after the lands are acquired and developed by the Tamil Nadu Housing Board."

Thereafter, Tamil Nadu Housing Board also had passed the Resolution dated 2.7.1986. That resolution is not produced on record.

It has been pointed out that on the basis of the aforesaid Resolutions in number of matters the High Court has directed that if the owners of the land file proper applications to the Tamil Nadu Housing Board and the State Government to consider their request for re-conveyance of the land in conformity with the Resolution dated 2.7.1986 passed by the Tamil Nadu Housing Board and in case they satisfy the conditions laid down in the said Resolution, re-conveyance of the area covered by the building and the necessary land appurtenant thereto for enjoyment of the building, may be re-conveyed.

For this purpose, learned counsel for the appellant relied upon the judgment of this Court in State of Tamil Nadu & Ors. vs.

:-3:-

L.Krishnan & Ors., JT 1996 (1) SC 660 and the following cases of the Madras High Court in P.M . Jaganathan vs. State of Tamil Nadu represented by the Commissioner and Secretary to Govt., Housing and Urban Development Department & Anr. {1996( Supp.)LACC 646}, and State of Tamil Nadu represented by its Commissioner and Secretary to Govt. Housing and Urban Development Deptt.

& Anr. vs. Pramela Rajaram & Ors. (1996 Writ L.R.761).  
Learned counsel for the appellant states that appellant would file such application within a period of seven days from today to the Tamil Nadu Housing Board as well as to the State Government. In this view of the matter, Housing Board as well as the State Government is directed to pass appropriate orders in conformity with the previous Resolutions and G.O.  
Adjourned for two months.

(Vijay Kumar Sharma)(Janki Bhatia)  
AR cum PS to Hon.Judge Court Master