

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____/2025
[@ SLP [C] NO.20907/2022]

THE MANAGING DIRECTOR
TAMIL NADU HOUSING BOARD

Appellant(s)

VERSUS

S. PARAMANANDAM (DECEASED)
THROUGH HIS LRS & ORS.

Respondent(s)

O R D E R

Leave granted.

The case before us has got a chequered history.

An award pertaining to the acquisition of the subject land, was passed way back in the year 1985-86, pursuant to which compensation has been paid. On the directions issued by the High Court, in an earlier writ petition filed by some of the present respondents, the request for the allotment of land under the ex-landowner category was considered and acceded to by the appellant. However, the respondent(s) while not accepting the said offer, made a request for release of the land under Section 48(B) of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act"). Aggrieved over the inaction on the part of the appellant in considering the said request, the respondent(s) filed a writ

petition *inter alia* alleging that similarly placed person(s) have been granted the relief pertaining to release of the land.

Learned Single Judge of the High Court, while accepting the said contention, was pleased to allow the Writ Petition.

The appeal filed by the appellant was dismissed by the Division Bench upholding the order passed by the learned Single Judge.

Learned senior counsel appearing for the appellant submitted that the law is quite settled as held by this Court in *Tamil Nadu Housing Board vs Keeravani Ammal & Ors.*- (2007) 9 SCC 255, stating that there is no right vested with the private party, particularly, after the title has passed on to the Government divesting the erstwhile land owner. It is further submitted that the proceedings which have been concluded cannot be re-opened, especially when the appellant has taken over the property and allotted it to private person(s).

Learned counsel appearing for the respondent submitted that this a case where similarly placed persons have been granted the relief of the release of land. As this aspect has been taken duly note of by the learned Single Judge, which has also been

confirmed by the Division Bench, there is no need for interference.

The law is quite settled on the scope and applicability of Section 48(B) of the Act. An erstwhile owner does not have an absolute right for reconveyance and, therefore, the discretion rests with the Government to consider the request for release of the land. We are not even concerned with the said legal position of law in the case on hand. From the State Government, the acquired property has reached the appellant, who is the requisitioning authority. From the requisitioning authority, it has gone to the private person(s). Thus, viewing the issue from any angle, the respondents before us do not have any legal right at all.

Therefore, the very application invoking Section 48(B) filed on behalf of the respondents is itself not maintainable. Admittedly, much water has flown under the bridge. We are now dealing with a case where the acquisition has become final decades ago, and possession has been taken, followed by the payment of compensation. The fact that some of the lands have been released by the State Government invoking Section 48(B) of the Act, is quite irrelevant to the case on hand.

In our considered view, both the learned Single Judge and the Division Bench of the High Court have

not considered the facts of the instant case in the correct perspective. Thus, we are constrained to set aside the impugned judgment that of the learned Single Judge.

Accordingly, the appeal stands allowed by setting aside the impugned judgment.

No order as to costs.

.....J.
[M.M. SUNDRESH]

.....J.
[K.V. VISWANATHAN]

NEW DELHI;
JANUARY 29, 2025.

