

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

Date of Reserving the Order	Date of Pronouncing the Order
19.11.2015	24.11.2015

CORAM

THE HON'BLE MR. JUSTICE T.S. SIVAGNANAM

W.P.Nos.10987, 10984 to 10986,10988 & 10989 of 2015 &
W.P.Nos.36130 & 36131 of 2015

1. V.VENKATASAMY
S/O.VENKATAIAH
2. M.ARUMUGAM
S/O.MANICKAM
3. R.MOHANASUNDARAM
S/O.M.RASU
4. D.M.JEFFRIES
D/O.W.G.JEFFRIES (LATE)
5. D.SELVANATHAN
S/O.M.DURAIRAJ
6. A.DEVARAJAN
S/O.A.NARASIMHAACHARIAR
7. V.D.VARADARAJAN
S/O.V.DURAIRAJAN
8. M.D.KALEEMULLAH
S/O.M.D.ABDULSHUKUR
9. S.PALANI
S/O.M.K.SHANMUGAM
- 10.DR.AHMED BASHA
S/O.JANAB MD. ATTAVULLA

11.K.RAMESH BABU
S/O.R.KUPPUSWAMY

12.MANI SOLLAMUTHU
S/O.SOLLAMUTHU

13.R. CHINNASAMY
S/O.RANGASAMY

14.P.A.KRISHNAMURTHY
S/O.P.ANANDAN

15.R.SAMBOORNAM
W/O.KANDASAMY

16.J.O.H.MECDRICK
W/O.A.J.MECDRICK

17.K.KARUNAKARAN
S/O.KRISHNAN

18.SHANAZ BEGUM
W/O.NAZAR BASHA

19.P.ADARSH
S/O.PURANDHARARAO

20.B.P.DAVE
S/O.P.L.DAVE

21.HARISH DAVE
S/O.B.P.DAVE

22.R.REVATHI
W/O.RAVIKUMAR

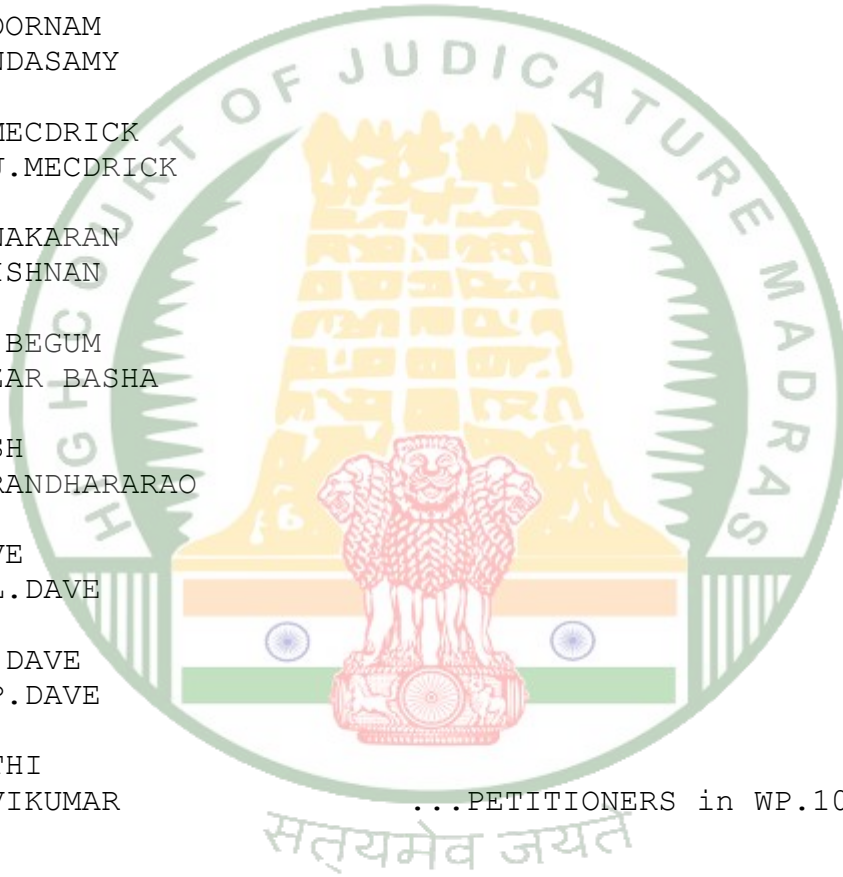
...PETITIONERS in WP.10987 of 2015

1. A.S.ABDUL SHUKOOR
S/O.ABDUL SATHAR

2. ABDUL GAFFER
S/O.ABDUL SATTAR

3. A.S.MUSTHAQ MOHAMMED
S/O.ABDUL SATHAR

...PETITIONERS in WP.10984 of 2015



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1. K.SELVARAJ
S/O.M.KUPPUSAMY
2. S.RAJENDRAN
S/O.SURIYAMOORTHY
3. M.RAJA MANICKAM
S/O.MURUGESAN
4. PAIDI SESHIAH
S/O.PAIDI MUSAILAIAH
5. G.SAROJA
W/O.GOVINDAN
6. P.DAYALAN
S/O.K.PERUMAL
7. A.ABDUL LATHIF
S/O.ABDUL KARIM
8. M.SEKAR
S/O.T.MUNUSAMY
9. MRS.STELLA JAMES
W/O.JAMES ENKHANA
10. SHAKEELA BEGUM
W/O.A.E.CURAISHI
11. MRS.KALA BHARATHI
S/O.V.MOORTHY
12. V.MOORTHY
S/O.V.VAYYAPURI
13. KALIDA NAZEEM
W/O.SAFIFULLA

...PETITIONERS in WP.10985 of 2015

1. L.REJINAMARY
W/O.T.M.S.PRASANTH
2. G.GUNALAN
S/O.GOVINDARAJULU

3. S.RENGANATHAN
S/O.SUBBU

4. M.RAMESH BABU
S/O.K.RUBAVATHY C/O.K.SELVARAJ

5. D.KALIAPPAN
S/O.DHARMAN

6. PATHIMA AROKIASAMY
S/O.P.M.PAKKIAM ...PETITIONERS in WP.10986 of 2015

1. M.DUR AISAMY
S/O.MUTHU

2. GIRIJA
W/O.U.V.SUBBA RAO (LATE) ...PETITIONERS in WP.10988 of 2015

1. V.K.PUNNIA KOTTI
S/O.KANNAN

2. K.JAYARAMAN
S/O.KANNAN

3. K.SWAMINATHAN
S/O.KANNIAPPAN

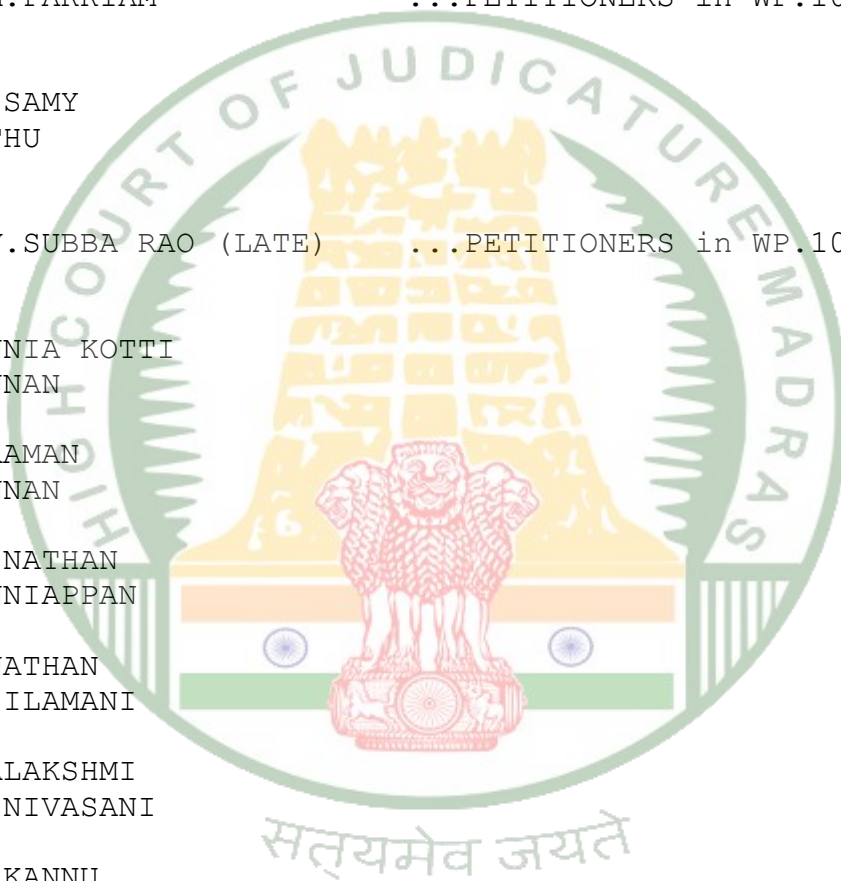
4. M.LOGANATHAN
S/O.MASILAMANI

5. S.VEERALAKSHMI
W/O.SRINIVASANI

6. T.SWAMI KANNU
S/O.K.DHANAPAL

7. A.SAMPATH KUMAR
S/O.M.JAMUNA BAI (LATE) ...PETITIONERS in WP.10989 of 2015

1. I.JAGDISH RAO
S/O.RAMA RAO



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2. V.NEELAVATHI
W/O.VEERAPPAN

3. S.MEENAKSHI
W/O.R.SELVAMANI

...PETITIONERS in WP.36130 of 2015

1. E.KARUNAKARAN
S/O.ETTIAPPAN

...PETITIONER in WP.36131 of 2015

Vs.

1. THE GOVERNMENT OF TAMIL NADU
REP BY ITS SECRETARY
HOUSING AND URBAN DEVELOPMENT DEVELOPMENT
FORT ST. GEORGE CHENNAI 9

2. THE CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
REP BY ITS MEMBER SECRETARY
NO.8 GANDHI IRWIN ROAD EGMORE
CHENNAI 8

3. THE DISTRICT COLLECTOR
THIRUVALLORE DISTRICT THIRUVALLORE

4. THE SPECIAL THASILDAR (LA)
AND LAND ACQUISITION OFFICER
PLAN IV OUTER RING ROAD CMDA
NO.8 GANDHI IRWIN ROAD
EGMORE CHENNAI 8

5. THE THASILDAR
POONAMALLEE TALUK POONAMALLEE

6. THE TAMIL NADU ROAD DEVELOPMENT
NO.171 2ND FLOOR
TAMIL NADU MARITIME BOARD BUILDING
SOUTH KESAVA PERUMAL PURAM
PASUMPON MUTHURAMALINGAM ROAD
RAJA ANNAMALAI PURAM CHENNAI-28.

R-6 CONTD.

R-6 IS IMPEADED AS PER ORDER DATED :19.11.2015
BY T.S.S. J. IN MPS.4 TO 4 OF 2015 IN
WPS.10984 TO 10989/2015.

... RESPONDENTS in WPs.10984 to 10989 of 2015

1. THE GOVERNMENT OF TAMIL NADU
REP. BY ITS SECRETARY
HOUSING AND URBAN DEVELOPMENT
FORT ST. GEORGE CHENNAI-9
2. THE CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
REP. BY ITS MEMBER SECRETARY
NO.8 GANDHI IRWIN ROAD EGMORE
CHENNAI-8
3. THE DISTRICT COLLECTOR
THIRUVALLORE DISTRICT THIRUVALLORE
4. THE SPECIAL THASILDAR (LA)
PLAN-IV OUTER RING ROAD CMDA NO.8
GANDHI IRWIN ROAD EGMORE CHENNAI-8
5. THE THASILDAR
POONAMALLEE TALUK POONAMALLEE
...RESPONDENTS in WPs.36130, 36131 of 2015

PRAYERS :

WP No.10987 of 2015
Calling for the records on the file of the 4th respondent pertaining to the impugned awards viz., Award No.4/2010 Roc. No.129/2005/A1/ORR/Unit IV dt 7.4.2010 passed by the 4th respondent and quash the same in so far as the lands of the petitioners situated in Survey No.7 of Thirunindravur Village are concerned and consequently to declare that all the Land Acquisition proceedings initiated for acquiring lands for public purpose, to wit for formation of Outer Ring Road under Outer Ring Road Project proposed by the Government of Tamil Nadu initiated pursuant to the notifications issued by 3rd respondent u/s 4 (1-A) of the Land Acquisition Act 1894, published in Thiruvallur District Gazette on 24.1.2007 in so far as relating to the acquisition of lands of the petitioners situated in survey No.7 of Thirunindravur village.

WP No.10984 of 2015
Calling for the records on the file of the 4th respondent pertaining to the impugned awards viz., Award No.1/2010 Roc. No.129/2005/A1/ORR/Unit IV dt 15.3.2010 passed by the 4th respondent and quash the same in so far as the lands of the

petitioners situated in Survey No.9 of Thirunindravur Village are concerned and consequently to declare that all the Land Acquisition proceedings initiated for acquiring lands for public purpose, to wit for formation of Outer Ring Road under Outer Ring Road Project proposed by the Government of Tamil Nadu initiated pursuant to the notifications issued by 3rd respondent u/s 4 (1-A) of the Land Acquisition Act 1894, published in Thiruvallur District Gazette on 24.1.2007 in so far as relating to the acquisition of lands of the petitioners situated in survey No.9 of Thirunindravur village.

WP No.10985 of 2015

Calling for the records on the file of the 4th respondent pertaining to the impugned awards viz., Award No.2/2010 Rc. No.129/2005/A1/ORR/Unit IV dt 15.3.2010 passed by the 4th respondent and quash the same in so far as the lands of the petitioners situated in Survey No.8 of Thirunindravur Village are concerned and consequently to declare that all the Land Acquisition proceedings initiated for acquiring lands for public purpose, to wit for formation of Outer Ring Road under Outer Ring Road Project proposed by the Government of Tamil Nadu initiated pursuant to the notifications issued by 3rd respondent u/s 4 (1-A) of the Land Acquisition Act 1894, published in Thiruvallur District Gazette on 24.1.2007 in so far as relating to the acquisition of lands of the petitioners situated in survey No.8 of Thirunindravur village.

WP No.10986 of 2015

Calling for the records on the file of the 4th respondent pertaining to the impugned awards viz., Award No.3/2010 Roc. No.129/2005/A1/ORR/Unit IV dt 15.3.2010 passed by the 4th respondent and quash the same in so far as the lands of the petitioners situated in Survey No.5 of Thirunindravur Village are concerned and consequently to declare that all the Land Acquisition proceedings initiated for acquiring lands for public purpose, to wit for formation of Outer Ring Road under Outer Ring Road Project proposed by the Government of Tamil Nadu initiated pursuant to the notifications issued by 3rd respondent u/s 4 (1-A) of the Land Acquisition Act 1894, published in Thiruvallur District Gazette on 14.02.2007 in so far as relating to the acquisition of lands of the petitioners situated in survey No.4 of Thirunindravur village.

WP No.10988 of 2015

Calling for the records on the file of the 4th respondent pertaining to the impugned awards viz., Award No.7/2010 Roc. No.129/2005/A1/ORR/Unit IV dt 7.5.2010 passed by the 4th respondent and quash the same in so far as the lands of the petitioners situated in Survey No.21 of Thirunindravur Village are concerned and consequently to declare that all the Land Acquisition proceedings initiated for acquiring lands for public purpose, to wit for formation of Outer Ring Road under Outer Ring Road Project proposed by the Government of Tamil Nadu initiated pursuant to the notifications issued by 3rd respondent u/s 4 (1-A) of the Land Acquisition Act 1894, published in Thiruvallur District Gazette on 13.03.2007 in so far as relating to the acquisition of lands of the petitioners situated in survey No.21 of Thirunindravur village.

WP No.10989 of 2015

Calling for the records on the file of the 4th respondent pertaining to the impugned awards viz., Award No.8/2010 Roc. No.129/2005/A1/ORR/Unit IV dt 21.5.2010 passed by the 4th respondent and quash the same in so far as the lands of the petitioners situated in Survey No.17 of Thirunindravur Village are concerned and consequently to declare that all the Land Acquisition proceedings initiated for acquiring lands for public purpose, to wit for formation of Outer Ring Road under Outer Ring Road Project proposed by the Government of Tamil Nadu initiated pursuant to the notifications issued by 3rd respondent u/s 4 (1-A) of the Land Acquisition Act 1894, published in Thiruvallur District Gazette on 30.03.2007 in so far as relating to the acquisition of lands of the petitioners situated in survey No.17 of Thirunindravur village.

WP No.36130 of 2015

Calling for the records on the file of the 4th respondent pertaining to the impugned awards viz., Award No.4/2010 Roc. No.129/ 2005/A1/ ORR/Unit IV dated 7.4.2010 passed by the 4th respondent lands and quash the same in so far as the lands of the petitioners are concerned and consequently to declare that all the Land Acquisition Proceedings initiated for acquiring lands for public purpose, to wit for formation of Chennai Outer Ring Road Project initiated pursuant to the Notifications issued by 3rd respondent u/s.4(1-A) of the Land Acquisition Act 1894, published in Thiruvallur District Gazette on 24.2.2007 in so far as relating to the acquisition of lands of the petitioners

situated in Survey No.7/34, 7/14 and 7/22 of Thirunindravur village.

WP No.36131 of 2015

Calling for the records on the file of the 4th respondent pertaining to the impugned awards viz., Award No.1/2010 Roc. No.129/ 2005/A1/ ORR/Unit IV dated 15.3.2010 passed by the 4th respondent and quash the same in so far as the lands of the petitioner situated in Survey No.2/1A2 pt (now 2/1A2B of Thirunindravur Village is concerned and consequently to declare that all the Land Acquisition Proceedings initiated for acquiring lands for public purpose, to wit for formation of Outer Ring Road under Outer Ring Road Project proposed by the Government of Tamil Nadu initiated pursuant to the Notifications issued by 3rd respondent u/s.4(1-A) of the Land Acquisition Act 1894, published in Thiruvallur District 24.01.2007 in so far as relating to the acquisition of lands of the petitioners situated in survey No.2/1A2 pt (Now 2/1A2B) of Thirunindravur village.

For petitioner : Mr.N.Subramanian in all W.Ps.,

For Respondents : Mr.P.H.Aravindh Pandian AAG
Assisted by
Mr.R.Vijayakumar AGP for RR1,3,4,5 in
W.P.Nos.36130 & 36131 of 2015

Mr.R.M.Muthukumar AGP for RR1,3,4 & 5
in W.P.Nos.10984 to 10989 of 2015

Mr.K.Rajasrinivas for R2 in
W.P.Nos.36130 & 36131 of 2015

Mr.P.Tamil Mani for R2 in
W.P.Nos.10984 to 10989 of 2015

Mr.M.Sivavarthanan for
Mr.Srinivasa Ragavan
for impleaded party

R6 in WPs.10984 to 10989 of 2015

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C O M M O N O R D E R

The prayer sought for in all these Writ Petitions are identical and common grounds have been raised by the petitioners and therefore, they were heard together and are disposed of by a common order.

2. The petitioners have sought for issuance of a Writ of Certiorari to quash the awards passed by the fourth respondent bearing Award Nos.1, 2, 3, 4, 7 & 8 of 2010, dated 15.03.2010/07.04.2010/07.05.2010 and 21.05.2010 and to declare that the land acquisition proceedings initiated for acquiring the petitioners' land for formation of Outer Ring Road proposed by the Government of Tamil Nadu as lapsed.

3. Mr.N.Subramanian, learned counsel appearing for the petitioners after setting out the factual position submitted that the petitioners had filed Writ Petitions challenging the notification issued under Section 4(1) of the Land Acquisition Act, 1894, (hereinafter referred to as the 'Act'), in W.P.Nos.761 of 2007 etc., batch and when the Writ Petitions were entertained, an order of stay of dispossession was granted. Ultimately, the Writ Petitions were dismissed by common order dated 02.12.2010 and consequently, the interim order was vacated. The Writ Appeals, preferred by the petitioners in W.A.Nos.115 of 2011 etc., batch, were dismissed by the First Bench of this Court by judgment dated 04.03.2011 and the Special Leave Petitions filed against the said judgment was also dismissed in limine on 08.07.2011. It is submitted that thus on and after the dismissal of the Writ Petitions on 02.12.2010, there was no interim order protecting the possession of the petitioners and the Writ Appeals as well as the Special Leave Petitions were all dismissed in limine. Therefore, for computation of the period within which the award should have been passed, should be reckoned with effect from 02.12.2014 and if the award has not been validly passed within the period stipulated under the Act, the entire acquisition has to be held to have been lapsed. It is further submitted that the petitioners met the District Collector on 09.02.2015, and submitted a representation pursuant to which a meeting was called for on 13.02.2015 and it was represented to the District Collector that no award has been passed nor the petitioners were informed about passing of the award and the officials were directed to furnish the same to the petitioners. It is

submitted that only thereafter, copies of the impugned alleged awards, without signature of the concerned authority, were furnished to the petitioners and admittedly, the passing of the award was communicated to the petitioners only during February 2015 and the award amount has been deposited only on 01.06.2015, before the Civil Court and the said awards are impugned in these Writ Petitions and are liable to be quashed.

4. The learned counsel submitted that the copies of the awards furnished to the petitioners have not been signed by the competent authority and there is no proof to show that the awards were served on the petitioners. It was further submitted that there is no prior approval of the Government or any Officer authorised by the Government in this behalf as mandatorily required under Section 11 of the Act and therefore, the impugned awards are void ab initio. Further by referring to Section 11 of the Act, it is submitted that the District Collector should have signed the award as the provision mandates that the award shall be under "his hand". Further, it is submitted that there is no record to show that the Government has authorised any other officer to pass the awards and therefore, the proceedings are vitiated. It is submitted that no award has been passed till date which ought to have been passed on or before 01.12.2012 i.e., within two years from the dismissal of the Writ Petitions on 02.12.2010 and therefore, the entire land acquisition proceedings acquiring the petitioners' land have lapsed by operation of law under Section 11A of the Act. It is further submitted that though the earlier Writ Petitions were dismissed and confirmed by the Hon'ble Division Bench and the Hon'ble Supreme Court, when the impugned awards are challenged, as being without authority or nonest, the principles of the resjudicata will not apply. In this regard, reliance has been placed on the decision of the Hon'ble Supreme Court in the case of National Institute of Technology v. Niraj Kumar Singh, reported in (2007) 2 SCC 481. Further, the learned counsel submitted that an order passed without authority, without legal sanction, has no effect and shall have to be ignored and reliance has been placed on certain decisions of the Hon'ble Supreme Court to support such contention. Thus, the submission of the learned counsel is that when the authority making the award lacks inherent jurisdiction to pass such an award, it has to be held to be non-est in the eye of law and void ab initio.

5. The learned Additional Advocate General submitted that the present batch of cases is the third round of litigation,

commenced by the petitioners in respect of the same acquisition and in the first round of litigation, the petitioners had challenged the alignment of the road and the said Writ Petitions were dismissed. Thereafter, the second round of litigation, the entire land acquisition proceedings were challenged and all the Writ Petitions were dismissed and the order of dismissal was confirmed by the Division Bench as well as by the Hon'ble Supreme Court. Therefore, it is submitted that the petitioners cannot commence a third round of litigation by raising the contentions put forth before this Court. Referring to the counter affidavit of the fourth respondent, it is submitted that the declaration under Section 6 of the Act was approved on 13.03.2008 and published in the Tamil Nadu Government Gazette, dated 15.03.2008 and in two Tamil Dailies on 16.03.2008 and it was published in the locality on 18.03.2008. Thereafter, notices under Sections 9(3) & 10(2) of the Act, were sent to the Writ Petitioners and they have attended the award enquiry. Further, it is submitted that the award has been passed and the compensation amount has been arrived at and the Writ Petitioners were also issued notices under Section 12(2) of the Act, calling upon them to come and collect the compensation amount. It is further submitted that the land acquisition proceedings having been held to be validly done, the present Writ Petitions filed by the petitioners challenging the awards, are liable to be rejected in limine. With regard to the jurisdiction of the authority, who passed the award, it is submitted that the Government in G.O.Ms.No.546, Revenue, dated 05.09.1994, authorised the District Collector, designated officers to carry out the functions and therefore, the Land Acquisition Officer is fully competent to pass the impugned awards. Further, it is submitted that the impugned awards have been passed in 2010 and the petitioners have approached this Court after five years. It is submitted that the awards were passed well within the period of two years, which has to be calculated from 18.03.2008, the date of publication of the declaration under Section 6 of the Act in the locality and therefore, the acquisition proceedings have not lapsed. Further, it is submitted that the first phase of the Outer Ring Road have been taken for a length of 29.65 kms from Vandalur village at NH45 connecting Nazarathpettai at NH4, and upto Nemilichery village at NH 205 coving 29 villages and substantially completed the Outer Ring Road Phase-I and now the lands belonging to the Writ Petitioners are required to complete the Phase II and due to the interim orders, no further proceedings could be taken by the respondents. Further, it is submitted that the formation of Chennai Outer Ring Road, Phase

II envisages construction of 6 lane divided carriage road with service road, for a length of 30.50 kilometers, 1 interchange, 1 Rotary junction, 1 flyover, 1 major bridge, 6 minor bridges, 13 vehicular under passes, 14 pedestrian under passes, 58 junction improvements, 50 bus bays, 2 truck lay bays, 2 way side amenities and 4 Traffic improvements, 50 bus bays, 2 truck lay bays, 2 way side amenities and 4 traffic medical aid posts. The Chennai Outer Ring Road, Phase II is under construction and therefore, the lands of petitioners are absolutely required for the completion of the project work and to put the road for the use of general public. After referring to the above contentions, which have also been stated in the counter affidavit, the learned Additional Advocate General submitted that the petitioners were diligently prosecuting the matter upto the Hon'ble Supreme and cannot now come forward and state the award was not passed by the competent authority or raise any other contentions challenging the awards more particularly, when the entire land acquisition proceedings were upheld by the Hon'ble Supreme Court.

6. Mr.N.Subramanian, learned counsel appearing for the petitioner in reply reiterated the contention that the earlier round of litigation cannot have any impact on the present proceedings and it is for the respondents to show that the awards have been validly passed and communicated to the petitioners.

7. Heard the learned counsels appearing on either side and perused the materials placed on record.

8. The fact that the petitioners were unsuccessful in challenging the land acquisition proceedings is not in dispute. The petitioners challenged the proceedings by filing Writ Petitions in W.P.No.761 of 2010 etc., batch and in the Writ Petitions several contentions were put forth by the petitioners and the Writ Petitions were dismissed by a common order dated 02.12.2010. The petitioners filed Writ Appeals against the said order in W.A.Nos.115 of 2011 etc., batch and the Writ Appeals were dismissed by common judgment, dated 04.03.2011. Aggrieved by the order passed by the First Bench of this Court, dismissing the Writ Appeals, one of the appellant filed Review Application No.70 of 2011, which was also dismissed by the First Bench of this Court, by order dated 28.04.2011. The challenge to the order passed by the First Bench before the Hon'ble Supreme Court in S.L.P (C) Nos.16014 to 16065 of 2011, also failed and the

petitions were dismissed by order dated 08.07.2011. Thus, the land acquisition proceedings had been held to be validly done.

9. As pointed out by the learned Additional Advocate General, the First Bench while dismissing the Review Application No.70 of 2011, held that the acquisition of the land for the Outer Ring Road project was not vitiated by any procedural irregularities and not in any way against the provisions of the Land Acquisition Act. Therefore, it would be too late for the petitioners to now contend that they can once again re-agitate the matter and challenge the very acquisition proceedings on the ground that the award has not been validly passed. The specific averment in the counter affidavit filed by the fourth respondent stating that the Writ Petitioners participated in the award enquiry has not been denied by the petitioners. This enquiry was conducted after notices were issued to the petitioners under Section 9(3) and Section 10(2) of the Act. According to the respondents, the awards were passed between 15.03.2010 and 21.05.2010. Separate counter affidavits have been filed for each of the Writ Petitions setting forth the details. Further, there is a specific averment in the counter affidavit that the petitioners have been issued notices under Section 12(2) of the Act, calling upon them to come and collect the compensation amount. These facts as pleaded by the fourth respondent, has not been denied by the petitioners. Further there can be no piecemeal challenge to the validity of the land acquisition proceedings. In such circumstances, the challenge to the land acquisition proceedings on the ground that the awards have not been validly passed, has to necessarily fail.

10. The learned counsel for the petitioners contended that the impugned awards, copies of which were handed over to the petitioners, are unsigned copies and even assuming the Land Acquisition Officer has passed the same, he has no jurisdiction to do so.

11. With regard to the jurisdiction of the land acquisition officer, it is seen that the Government by G.O.Ms.No.546, dated 05.09.1994, issued a notification pertaining to authorisation of District Collectors to direct the Land Acquisition Officers to take order for acquisition of land. The said notification, which was published in the Tamil Nadu Government Gazette, dated 28.09.1994, reads as follows:-

REVENUE DEPARTMENT

Authorisation of District Collectors to direct Land Acquisition Officers to take order for acquisition of land.

G.O.Ms.No.546, Revenue, 5th September, 1994.

No.II(2)/REV/3777/94 - In exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Governor of Tamil Nadu hereby authorises the District Collector to direct the Collector to take order for the acquisition of the land.

S.Meikandadevan,
Secretary to Government.

12. On a perusal of the above notification, it is evidently clear that the District Collector has been authorised to direct the Land Acquisition Officer to take order for acquisition of land. Therefore, the contention raised by the petitioners that the Land Acquisition Officer lacks inherent jurisdiction to pass the impugned order, is rejected.

13. The challenge made by the petitioners contending that unsigned copies of the award have been furnished to them and therefore, it is to be taken that the awards were communicated only in February 2015, is an argument stated to be rejected, since the acquisition proceedings have already been upheld and at no earlier point of time, the petitioners had raised such a contention especially when the petitioners diligently prosecuted the earlier round of litigation upto Hon'ble Supreme Court. Therefore, this Court has no hesitation to hold that the challenge to the impugned awards is a clear after thought and liable to be rejected. From the averments made in the counter affidavit, it is seen that the awards have been passed within two years from the last date of the publication of the declaration under Section 6 of the Act, which is well within the period of limitation. Therefore, the contention raised by the petitioners to question the acquisition proceedings under the guise of questioning the award is definitely barred by resjudicata both on legal as well as on factual aspects and therefore, the decisions relied on by the learned counsel for the petitioners does not render any assistance to the case of the petitioners.

14. In the light of the authorisation given to the District Collector to direct the Land Acquisition Officer to proceed with the acquisition proceedings by way of notification, it is held that the Land Acquisition Officer was competent to exercise power and there is no lack of jurisdiction on his part.

15. Hence, for all the above reasons, the petitioners have not made out any case to quash the impugned awards. Accordingly, the Writ Petitions fail and they are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pbn

To

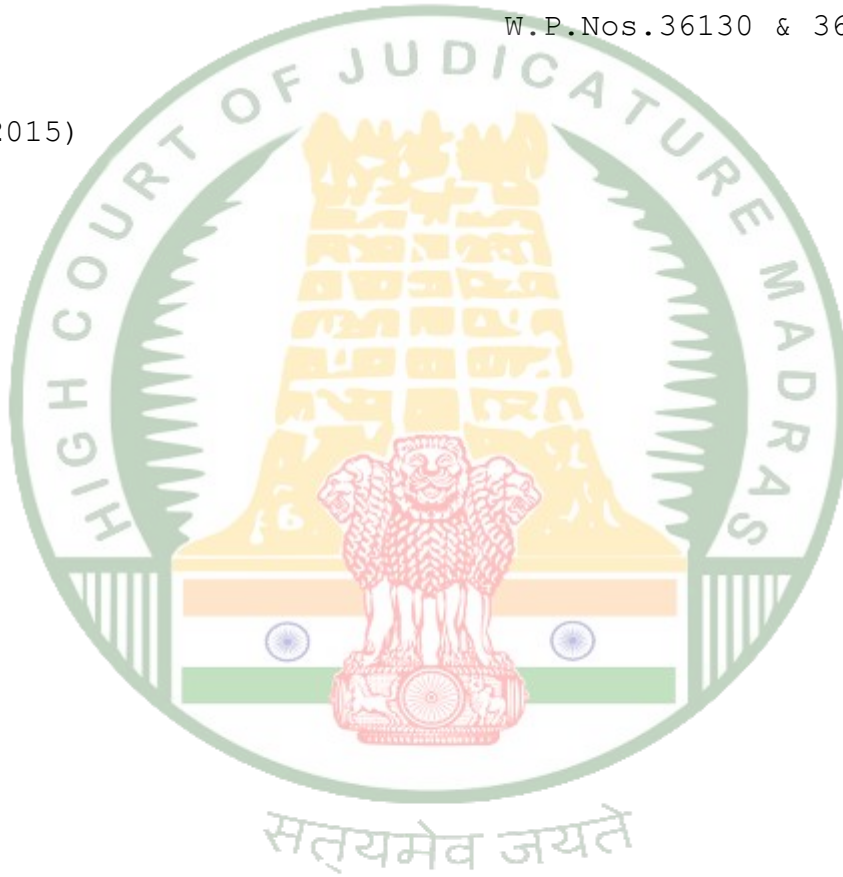
1. The Government of Tamilnadu,
Rep., by its Secretary,
Housing and Urban Development,
Fort St., George,
Chennai - 9.
2. The Chennai Metropolitan Development Authority,
Rep., by its Member Secretary,
No.8, Gandhi Irwin Road,
Egmore,
Chennai - 8.
3. The District Collector,
Thiruvallore District,
Thiruvallore.
4. The Special Thasildar (LA) &
Land Acquisition Officer,
CMDA, No.8, Gandhi Irwin Road,
Egmore,
Chennai - 8.

5. The Thasildar,
Poonmallee Taluk,
Poonamalle.

+1cc to Mr.K.Rajasrinivas, Advocate, S.R.No.63745
+6cc's to Mr.Srinivasa Ragavan, Advocate, S.R.No.63778
+1cc to Mr.N.Subramanian, Advocate, S.R.No.63437

W.P.Nos.10987, 10984 to 10986,10988 & 10989 of 2015
and
W.P.Nos.36130 & 36131 of 2015

VS (CO)
CA(10/12/2015)



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