

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.27709 of 2015
and
M.P.Nos.1 and 2 of 2015

M.Narayanappa

... Petitioner

Vs.

1.The Collector of Krishnagiri District,
Office of the Collector of Krishnagiri District,
Krishnagiri.

2.The Special Tahsildar,
Adi-Dravida Welfare Department,
Krishnagiri Taluk.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorari calling for the records of the 4(1) notification of the respondent No.1, as published in the Dharmapuri District Gazette extraordinary dated 11.07.1997 relating to the acquisition of the petitioner's land in survey No.51 in No.60, Nerigam Village of an extent of 0.74.0 Hectors, Hosur Taluk, Krishnagiri District and quash the same.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition is filed seeking for issuance of Writ of Certiorari calling for the records of the 4(1) notification of the first respondent as published in the Dharmapuri District Gazette extraordinary dated 11.07.1997 relating to the acquisition of the petitioner's land in survey No.51 in No.60, Nerigam Village to an extent of 0.74.0 Hectors, Hosur Taluk, Krishnagiri District and quash the same.

2. The learned counsel appearing for the petitioner contends that he is the owner of the property along with his brothers to an extent of 0.74.0 hectors, comprised in S.No.51, located at No.60, Nerigam Village, Hosur Taluk, Krishnagiri District. The petitioner and his brothers namely, Govindappa, Varadappa and Krishnappa are enjoying the said property, as it is their ancestral property. The first respondent made a Gazette Publication dated 11.07.1997 under Section 4(1) of the Tamil Nadu Acquisition of lands for Harijan Welfare Schemes Act (Act 31 of 1978). The said proceedings were challenged by his brother Govindappa in W.P.No.15579 of 1997 and dispossession alone was stayed by the order dated 15.10.1997.

3. When the things stood so, the respondents have started taking possession of the property. Thereafter, the petitioner came to know that the writ petition filed by his brother namely, Govindappa, was dismissed for default and restoration application is being filed. In that situation only, the petitioner has come forward with this writ petition contending that there is no compliance of prior notice under Section 4(1) of the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act (Act 31 of 1978) and therefore, the entire proceedings has been initiated.

4. Heard Mr.S.Senthilnathan, the learned counsel appearing for the petitioner and Mr.V.Jayaprakshnarayan, the learned Special Government Pleader appearing for the respondents.

5. The land acquisition proceedings were initiated about two decades above and the said proceedings were challenged in W.P.No.15579 of 1997 by his brother Govindappa. Thereafter, admittedly, the writ petition is said to have been dismissed for default and no steps have been taken to restore the writ petition. When the acquisition proceedings were already challenged, it is not open to the petitioner again to challenge the acquisition proceedings again, inventing a new reason that pre-acquisition notice under Section 4(1) of the Act was not given. If all the proceedings are going to be challenged in this manner, in which the petitioner filed the writ petition, no proceedings will come to a finality. That apart, the petitioner is guilty of laches. The petitioner cannot now contend that there is no good relationship between him and his brother and no notice was given to him by the Authority. There is every reason to believe that the above reason has been invented for the purpose of the case. Having slept over the matter for more than

18 years, the petitioner has belatedly come up by way of filing this writ petition, which cannot be entertained. Hence, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Collector of Krishnagiri District,
Office of the Collector of Krishnagiri District,
Krishnagiri.
- 2.The Special Tahsildar,
Adi-Dravida Welfare Department,
Krishnagiri Taluk.

+1cc to M/s.S.Senthilnathan, Advocate, S.R.No.47604
+1cc to the Government Pleader, S.R.No.48087

W.P.No.27709 of 2015

KJI (CO)
CA(30/09/2015)

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