

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2016

CORAM

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

W.P.Nos.3021 of 2015 and 6361 of 2016

&

M.P.No.2 of 2015 & W.M.P.Nos.5660 and 5661 of 2016

- 1.Canniacoumary ...Petitioners 1 to 3 in WP.NO.3021/15
- 2.R.Thangavelu
- 3.Kanagarajame
- 4.R.Sathiyamurthy ... 4TH Petitioner in W.P.No.3021/2015
and 1ST Petitioner in WP.NO.6361/16
- 5.R.Meenatchi Meera
- 6.R.Chellaperumal
- 7.R.Nagarany
- 8.R.Narayanan ...Petitioners 5 TO 8 in W.P.No.3021/2015

Vs.

1.The Government of Puducherry
Rep by its Secretary
Revenue Department, Puducherry.

..1st Respondent in W.P.No.3021/15
AND

..1st Respondent in W.P.No.6361/16

2.The Deputy Collector (Land Acquisition)
Kamaraj Salai, Saram, Puducherry.

..2ND Respondent in W.P.No.3021 of 2015

3.The Puducherry Housing Board
Rep by its Secretary

Anna Nagar, Puducherry

..3rd Respondent in W.P.No.3021 of 2015

.. 2nd respondent in W.P.No.6361/2016

Prayer in W.P.No.3021/2015:Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that the acquisition of our land in R.S.144/2 of an extent of 2 hectares, 78 Acres and 40 Cents in Murungapakkam village being the subject matter of G.O.Ms.No.129, Revenue Department, dated 30.12.1987 under Section 4(1) of the Land Acquisition Act, 1894 and all consequential proceedings as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in W.P.No.6361/2016: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records pertaining to the impugned notification in G.O.Ms.No.40/2015-Hg dated 21.12.2015 issued by the first respondent, quash the same and pass orders.

For Petitioners .. Mr.Stalin Abhimanyu
For Respondents .. Ms.D.Reena Iswariya, AGP,
for
Mr.M.Govindaraj, GP, (Puducherry) for
R1 and R2 in W.P.Nos.3021/15 and
6361/16
Mr.T.P.Manoharan for R3 and R2 in
W.P.Nos.3021/15 and 6361/16

C O M M O N O R D E R

The petitioners in W.P.No.3021 of 2015 are eight in number and 4th petitioner herein is the petitioner in W.P.No.6361 of 2016.

2. In W.P.No.3021 of 2015, the petitioners have prayed for declaration to declare the acquisition of the lands in R.S.No.144/2h are lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioner in W.P.No.6361/2016, seeks for issuance of writ of Certiorari to quash G.O.Ms.No.40, Chief Secretariat (Housing), Puducherry dated 21.12.2015, by which the Government has allotted plots to the distressed purchasers in the land owned by the Puducherry Housing Board by granting exemption and approval. The petitioners claim that they are entitled to the property in question as they are the legal heirs of one Ranganath, who is the son of Thangavelu Naicker who in turn is the son of Kuppusamy Naicker. Petitioners who are eight in number have joined together had filed one writ petition to declare that entire land proceedings has lapsed and in another writ petition one of them has challenged G.O.Ms.No.40.

3. After hearing the learned counsel for the parties, it is evidently clear that petitioners have absolutely no locus standi to maintain these writ petitions. The notifications issued under the Land Acquisition Act were issued in the name of the Trustees of Puducherry Kuppusamy Naicker Annadhana Dharma Turst, the petitioners no were feature in the said notification and their own case itself that they are claiming under one Ranganathan, who was the grandson of Kuppusamy Naicker. It is not known as to whether the Ranaganathan under whom the petitioners claim is the same Ranganathan viz K.Ranganathan, who was one of the persons shown as the land owner/interested person in the declaration issued under Section 6 of the Land Acquisition Act dated 11.08.1988. Be that as it may, it is evidently clear that the present proceedings is clear abuse of process of law. The said Puducherry Kuppusamy Naicker, Anna Dhanam Dharma Sthabanam represented by its Trustee, Kamala Kannan had filed a writ petition before this Court in W.P.No.10136/1988 challenging the declaration issued under Section 6 of the Act dated 11.08.1988 and the notification issued under Section 4(1) of the Act, dated 30.10.1987. This Court after elaborately hearing the parties, by a reasoned order dated 25.07.1997, dismissed the writ petition holding that the acquisition proceedings cannot be said to be vitiated on any account. Thus the acquisition proceedings were held to be valid by this Court in a challenge made by the Trust who was a party to the acquisition proceedings. Now the present attempt of the petitioners appears to be to create another round of litigation.

4. Learned counsel appearing for the Puducherry Housing Board submits that several persons have been filing writ petitions, civil suits etc., and all cases have been dismissed and this is a new attempt made by the petitioners to stall the proceedings initiated by the Housing board. Further it is stated that the Trust after obtaining interim order from this court in the writ petition filed by them in 1988, started selling the properties to certain third parties and the entire matter was dragged into litigation and ultimately Government has passed G.O.Ms.No.40 dated 21.12.2015, bearing in mind the interest of those purchasers and have classified them as distressed purchasers.

5. In the light of all the above, the petitioners has absolutely no locus standi to question the land acquisition proceedings and the present attempt made by the petitioners is clearly an attempt to reopen a settled matter, especially when this Court as early as on 25.07.1991, upheld the same. Hence, no grounds have been made out to issue any direction sought for in these writ petitions and accordingly the writ petitions are

dismissed. No costs. Connected miscellaneous petitions are closed.

kpr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government of Puducherry
Revenue Department
Puducherry

2.The Deputy Collector (Land Acquisition)
Kamaraj Salai, Saram, Puducherry

3.The Secretary
Puducherry Housing Board
Anna Nagar, Puducherry.

+ 1 cc to Mr.Stalin Abhimanyu, Advocate Sr 13540

+ 2 ccs to Govt.Pleader-cum--Public Prosecutor for Pondicherry,
Sr 12312 AND 12313

+ 1 CC TO Mr.T.P.Manoharan, Advocate Sr 12712

KR/8/3/16

W.P.Nos.3021 of 2015 and 6361 of 2016

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