

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.Nos.3514 to 3516 of 2017

1.M.Usharani
2.K.Natarajan

.. Petitioners in
W.P.No.3514 of 2017

1.E.Santha
2.I.Gugan
3.P.Prabhu
4.K.R.Nithya

.. Petitioners in
W.P.No.3515 of 2017

S.P.Balasubramaniam

.. Petitioner in
W.P.No.3516 of 2017

Vs.

1.The Government of Tamil Nadu
rep. by its Secretary to Government,
Housing and Urban Development
Department, Secretariat,
Fort St. George, Chennai - 9.

2.The Tamil Nadu Housing Board
rep. by its Managing Director,
Nandanam, Anna Salai,
Chennai - 35.

3.The Executive Engineer and
Administrative Officer,
The Tamil Nadu Housing Board,
Coimbatore Unit, Tatabad,
Coimbatore - 641 018.

4.The Special Tahsildar
(Land Acquisition),
Housing Scheme I, Tatabad,
Coimbatore - 641 018.

.. Respondents in
all the W.Ps

W.P.No.3514 of 2017: Petition filed under Article 226 of The Constitution of India praying to issue a writ of declaration to declare the land acquisition proceedings initiated under Land Acquisition Act 1894 by the 1st Respondent as per Section 4(1) Notification of issued in G.O.Ms. No.549 Housing and Urban Development Department dated 07.03.1983 and the subsequent Section 6 Declaration issued in G.O.Ms. No.820 Housing and Urban Development Department dated 21.08.1985 stand lapsed in respect of land in S.F. No.78/2 Ganapathy Village Coimbatore to an extent of 30 cents belong to the 1st Petitioner due to non-passing of Award under Section 11-A of the Act 1894/ 1984.

W.P.No.3515 of 2017: Petition filed under Article 226 of The Constitution of India praying to issue a writ of declaration to declare the land acquisition proceedings initiated under Land Acquisition Act 1894 by the 1st Respondent as per Section 4(1) Notification of issued in G.O.Ms. No.549 Housing and Urban Development Department dated 07.03.1983 and the subsequent Section 6 Declaration issued in G.O.Ms. No.820 Housing and Urban Development Department dated 21.08.1985 stand lapsed in respect of land in S.F. No.78/2 now after sub division S.F. No.78/3 Ganapathy Village Coimbatore to an extent of Ac.0.4 cents and 403 sq.ft (2144 sq.ft.) belong to the 1st Petitioner to an extent of Ac.0.4 cents and 435 square feet (2177 sq.ft) to an extent of Ac.0.5 cents and 031 square feet (2209 sq.ft) belonging to the 3rd petitioner and to extent of Ac.0.5 cents and 046 square feet (2224 sq.ft.) belonging to the fourth petitioner, due to non-passing of Award under Section 11A of the Act.

W.P.No.3516 of 2017: Petition filed under Article 226 of The Constitution of India praying to issue a writ of declaration to declare the land acquisition proceedings initiated under Land Acquisition Act 1894 by the 1st Respondent as per Section 4(1) Notification of issued in G.O.Ms. No.549 Housing and Urban Development Department dated 07.03.1983 and the subsequent Section 6 Declaration issued in G.O.Ms. No.820 Housing and Urban Development Department dated 21.08.1985 stand lapsed in respect of land in S.F. No.78/2 as per notification and as per subdivision in the revenue records in S.F. No.78/9 Ganapathy Village Coimbatore to an extent of 20 cents belong to the Petitioner due to non-passing of Award under Section 11-A of the Act.

For Petitioner .. Mr.G.Sankaran in all the
W.Ps

For Respondents .. Mr.K.Dhananjeyan,
Spl. Govt. Pleader for R1 & R4
Mr.B.Vivekavanam for R2 & R3

COMMON ORDER

Seeking to declare the land acquisition proceedings initiated by the first respondent dated 07.03.1983 and the subsequent Section 6 declaration dated 21.08.1985 as lapsed, these writ petitions have been filed.

2.The petitioners herein are the purchasers of the land which was the subject matter of the proceedings under Section 4 of the Land Acquisition Act (for short 'the Act') in G.O.Ms. No.549 Housing and Urban Development Department dated 07.03.1983. A declaration was passed in G.O.Ms. No.820 Housing and Urban Development Department dated 21.08.1985. Earlier, there was a challenge to the acquisition proceedings to an extent of 1.2 acres, which is inclusive of the lands owned by the petitioners. The writ petition filed in W.P.No.1997 of 1986 was allowed, against which, writ appeal was filed. The writ appeal was allowed by the Division Bench of this Court on 20.11.1996. In the meanwhile, the award was passed for an extent of 24.59 1/2 acres excluding 1.03 acres. Though the writ appeal was allowed on 20.11.1996, it appears that till now, no award has been passed. Thus, admittedly, Section 11A of the Act has not been complied with by passing the award within a period of two weeks from the date of declaration under Section 6 of the Act. This fact has been stated in the counter affidavit filed by the fourth respondent in all the writ petitions uniformly. It is sufficient to record paragraphs 7 and 8 of the counter affidavit filed in W.P.No.3514 of 2017, which read as follows:

"7.It is submitted that Award enquiry was conducted after observing all usual formalities prescribed under the Land Acquisition Act and Award was pronounced vide Award No.8/87 dated 22.09.1987 for 24.59 1/2 acres excluding the extent covered under stay. The total extent proposed for land acquisition in excluding the extent covered under stay. The total extent proposed for land acquisition in S.F.No.78/2 is 4.14 acres. Out of which Award was pronounced for 2.94 acres excluding the second petitioner's land of 1.20 acres.

8.It is submitted that the Hon'ble High Court, Chennai in the order dated 30.10.1991 has allowed the Writ Petition No.1997/86 against this judgment W.A. has been filed and Hon'ble High Court in its order dated 20.11.1996 allowed the Writ Appeal. Subsequently no Award has been in respect of the petitioner's land. Due to several litigations pending in the Hon'ble High Court, Chennai the Award has not been passed."

3.It is seen from the records as submitted by the learned counsel for the petitioners that even the Award passed earlier for the remaining extent has been quashed by the orders of this Court in W.P.No.11486 of 1987 dated 20.02.1997. In such view of the matter, this Court has got no other option except to allow the writ petitions. There is no question of delay or laches in the cases on hand as the proceedings got lapsed for non-passing of the award.

4.Accordingly, these writ petitions stand allowed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

- 1.The Secretary to Government,
Housing and Urban Development, Department
secretariat, Chennai-9.
- 2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai - 35.
- 3.The Executive Engineer &
Administration Officer,
The Tamilnadu Housing Board,
Coimbatore Unit Tatabad
Coimbatore 641 018
- 4.The Special Tahsildar (Land Acquisition),
Housing Scheme I Tatabad,
Coimbatore 641 018

+3cc to Mr.G. Sankaran, Advocate Sr. 18280, 18277, 18279)
+3cc to Mr.B. Viveka Vanan, Advocate Sr. 17522, 17521, 17520)
+1cc to the Government Pleader, SR. 17947

W.P.Nos.3514 to 3516 of 2017

KS (CO)
VR(03/04/2017)