

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8449 of 2004
and
W.P.M.P.No.9939 of 2004

S.Shanthi

.. Petitioner

Vs.

- 1) The Government of Tamil Nadu,
Rep by its Secretary,
Revenue Department,
Fort St. George, Chennai 600 009.
 - 2) The District Collector,
Karur District, Karur
 - 3) The Special Tahsildar (Land Acquisition)
Master Plan Project Complex,
Karur Taluk, Karur District
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, by calling for the records of the records of the respondents relating to Section 4(1) Notification in G.O.Ms.No.452, Revenue Department dated 03.06.1998 and published in the extraordinary issue of Part II, Section 2, page 8 of Tamil Nadu Government Gazette dated 04.06.1998 and Section 6 Declaration in G.O.Ms.No.519, Revenue Department dated 17.06.1998 and published in the extraordinary issue of Part II, Section 2, page 1 of Tamil Nadu Government Gazette dated 17.06.1998 in respect of plot No.26 and 46 of survey No.739/2 of Thanthoni Village, Karur Taluk, Karur District and quash the same.

For Petitioner : Mr.G.Arulmurugan

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

ORDER

The petitioner is before this Court with this Writ Petition praying to call for the records of the respondents relating to Section 4(1) Notification in G.O.Ms.No.452, Revenue Department

dated 03.06.1998 and published in the extraordinary issue of Part II, Section 2, page 8 of Tamil Nadu Government Gazette dated 04.06.1998 and Section 6 Declaration in G.O.Ms.No.519, Revenue Department dated 17.06.1998 and published in the extraordinary issue of Part II, Section 2, page 1 of Tamil Nadu Government Gazette dated 17.06.1998 in respect of plot No.26 and 46 of survey No.739/2 of Thanthoni Village, Karur Taluk, Karur District and quash the same.

2.This writ petition is as similar to one among the cases that has been decided on 09.12.2009 in W.P.Nos.9140, 14164, 11280,12292 of 1998 and 12474 of 1999 batch wherein G.O.Ms.Nos.452, 454 & 519 Revenue Department have been declared invalid and unconstitutional. But however, this Court while allowing the writ petition has granted fresh land acquisition proceedings in accordance with law, if so advised. In view of the above statement, the above mentioned Government orders are held unconstitutional and the issue is covered and the writ petition is allowed with the same observation as mentioned in paragraph 6 of the judgment dated 09.12.2009 in W.P.No.9140 of 1998. Judgment in W.P.No.9140 of 1998, paragraph 6 reads as follows:-

"6.The writ petitions are allowed with liberty to initiate fresh land acquisition proceedings, if the respondents are so advised. No costs."

Hence, the W.P.No.8449 of 2004 is allowed. Consequently, connected W.P.M.P.No.9939 of 2004 is closed. No costs.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

sts

To:

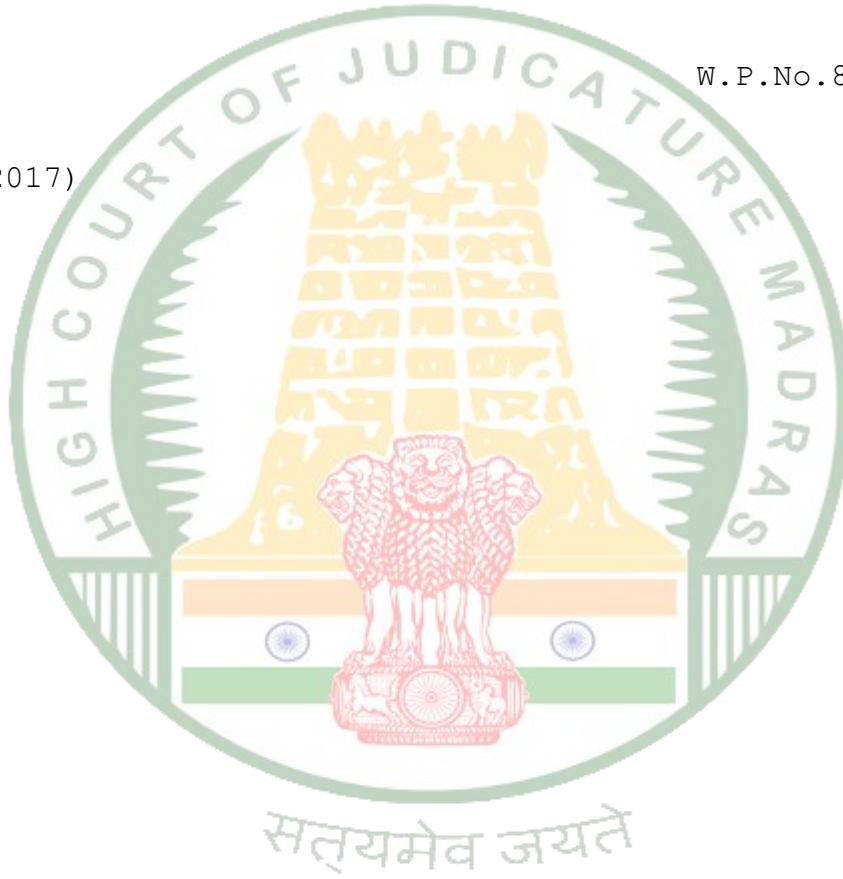
- 1) The Government of Tamil Nadu,
Rep by its Secretary,
Revenue Department,
Fort St. George, Chennai 600 009.
- 2) The District Collector,
Karur District, Karur

3) The Special Tahsildar (Land Acquisition)
Master Plan Project Complex,
Karur Taluk, Karur District.

+1 CC to Mr.G.Arulmurugan, Advocate sr 48571
+1 CC to Govt. Pleader sr 49395.

W.P.No.8449 of 2004

MN (CO)
sp(29/08/2017)



WEB COPY