

In the High Court of Judicature at Madras

Dated: 19.01.2017

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The Honourable **Mr.JUSTICE P.N.PRAKASH**

W.P.No.14157 of 2003

1.Rajammal

2.Pushpa

3.Savithriammal

[PETITIONERS]

Vs

1.The State of Tamilnadu,
Rep. By its Secretary,
Transport Department,
Fort St.George,
Chennai 600 009.

2.Land Acquisition Officer &
Revenue Divisional Officer,
Krishnagiri,
Dharmapuri District.

[RESPONDENTS]

Prayer: Writ petition filed under Article 226 of the constitution of India for issuance of a writ of mandamus to forbear the respondents herein from doing anything in furtherance to the Section 6 Declaration issued on 06.03.1987 in G.O.Ms.No.502 and published in Tamil Nadu Government Gazette for acquiring the petitioners property situated at Survey No.919/1B1, A2, 919/1B1 A3 and 919/1B1 A4, Palacode Village & Taluk, Dharmapuri District, totally measuring an extent of 0.09.0 hectares since the acquisition has lapsed under Section 11(A) of the Land Acquisition Act.

For Petitioner : Mr.G.Vijay Anand

For Respondents: Mr.S.Gunasekaran

Additional Government Pleader

O R D E R

This writ petition is filed for issuance of a writ of mandamus to forbear the respondents herein from doing anything in furtherance to the Section 6 Declaration issued on 06.03.1987 in G.O.Ms.No.502 and published in Tamil Nadu Government Gazette for acquiring the petitioners property situated at Survey No.919/1B1, A2, 919/1B1 A3 and 919/1B1 A4, Palacode Village & Taluk, Dharmapuri District, totally measuring an extent of 0.09.0 hectares since the acquisition has lapsed under Section 11(A) of the Land Acquisition Act.

2.The petitioners were the owners of the property measuring to an extent of 0.09.0 hectares in Survey No.919/1B1, A2, 919/1B1 A3 and 919/1B1 A4, Palacode Village & Taluk, Dharmapuri District, which was the subject matter of acquisition vide notification dated 08.01.1986 by the State Government under Section 4(1) of the Land Acquisition Act. The Authorities conducted enquiry under Section 5(A) of the Act and after considering the objections, issued Section 6 Declaration on 06.03.1987 which was published in the Government Gazette on 08.03.1987. Challenging Section 6 Declaration, the petitioners filed W.P.No.2049 of 1989 and stay was granted by this court on 20.02.1989. The writ petition itself was heard and dismissed

by this court on 13.03.1998. Thereafter, the authorities deposited the award amount in the Sub Court, Krishnagiri on 27.11.2001. The petitioner filed the present writ petition on 11.04.2003 for the aforesaid relief.

3.The respondents filed their counter affidavit.

4.Heard the learned counsel appearing for the petitioners and Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondents.

5.Learned counsel for the petitioners submitted that the petitioners were informed about the award passed by the Collector under Section 11(A) only on 26.11.2001 and therefore, the entire proceedings stands vitiated.

6.This Court considered the rival submissions made on either side.

7.To appreciate the grievance of the petitioners, it may be necessary to catalogue the dates and events.

i) 08.01.1986 - Section 4(1) Notification issued.

- ii) 06.03.1987 - Section 6 Declaration issued.
- iii) 02.02.1989 - Award Enquiry conducted.
- iv) 17.02.1989 - Award passed.
- v) 20.02.1989 - Stay granted by this Court in W.P.No.2049 of 1989.
- vi) 13.03.1998 - W.P.No.2049 of 1989 was dismissed.
- Vii) 27.11.2001 - The award amount was deposited in the Sub Court, Krishnagiri.

8.From the aforesaid dates, it is crystal clear that the award enquiry was completed and the award was passed on 17.02.1989, which is within two years from 06.03.1987, the date on which Section 6 Declaration was issued. Therefore, there is no violation of the provisions of Section 11(A) of the Land Acquisition Act. Thereafter, it was the petitioners, who filed W.P.No.2049 of 1989 and obtained stay of the acquisition of the proceedings. After the dismissal of the writ petition 10 years later i.e., 13.03.1998, the Government deposited the award amount on 27.11.2001.

9.Learned counsel for the petitioners contended that there is violation of Section 12 of the Act inasmuch as the Collector had not

given immediate notice of the award to the petitioners.

10. In the considered opinion of this court within three days of passing of the award, the petitioners have filed W.P.No.2049 of 1989 and obtained stay of all proceedings and therefore, the petitioners cannot have any grievance in this regard.

11. In the result, the writ petition is devoid of merits and therefore, the same is dismissed. No costs.

19.01.2017

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To

1. The State of Tamilnadu,
Rep. By its Secretary,
Transport Department,
Fort St. George,
Chennai 600 009.
2. Land Acquisition Officer &
Revenue Divisional Officer,
Krishnagiri,
Dharmapuri District.

P.N.PRAKASH,J.
Vri

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