



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD).No.240 of 2017 &

C.M.P.(MD).No.2451 of 2017

1.R.Ilangovan

2.Singammal

...Appellants/Petitioners

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Special Thasildar,
Adi Dravidar Welfare,
Devakottai,
Sivagangai District.

3.The Thasildar,
Taluk Office,
Karaikudi,
Sivagangai District.

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clauses 15 of Letters Patent against the order dated 30.01.2017 made in W.P.(MD).No.1397 of 2017.

PRAYER IN WP(MD)No.(MD)1397/2017:

Writ Petition is filed under Article 226 of the Constitution of India,praying this Court To issue a Writ of Certiorarified Mandamus,to call for the records in pursuant to the 1st respondent 4(1) Notification dated 26.12.1995 in respect of petitioners land in S.No.145/1A,in an extent of 0.09.0 out of 1.24.0 and S.No.145/1B in an extent of 0.09.0 out of 0.85.0 in Vettaikaranpatti Village, Pudur Revenue Village,Karaikudi Taluk,Sivagangai District and the 2nd Respondent Award No.15/95-96 dated 01.03.1996 same is to be quashed.

For Appellants : Mr.J.John

For Respondents : Mr.S.Chandrasekar
Government Advocate



JUDGMENT

[Judgment of the Court was made by **T.S.SIVAGNANAM, J**]

Heard the learned counsel for the appellants and Mr.S.Chandrasekar, learned Government Advocate, who accepts notice on behalf of the respondents.

2. This appeal is directed against the order passed in W.P. (MD).No.1397 of 2017, dated 30.01.2017. The writ petitioners/appellant sought for issuance of writ of certiorarified mandamus to quash the notification issued under the provisions of Land Acquisition Act, thereby the petitioners'/appellants' land was acquired. The writ petition was dismissed by the said order taking note of the fact that the petitioners had earlier filed a writ petition in W.P.(MD).No.9788 of 2014 for a writ of declaration to declare the land acquisition proceedings as deemed to have lapsed in terms of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The said writ petition was dismissed vide order dated 01.03.2016. As against which the petitioners/appellants preferred an appeal in W.A.(MD).No.1200 of 2016, which was dismissed by a Division Bench of this Court vide judgment dated 22.08.2016. While dismissing the writ appeal, the Division Bench reserved liberty to the appellants to work out their remedy in accordance with law. Relying upon the said liberty, the appellants once again filed a writ petition challenging the acquisition proceedings. The same has been dismissed. Against which, the present writ appeal has been filed.

3. In the considered view of this Court, the learned Single Judge is right in dismissing the writ petition, as the appellants could not have file a writ petition for the same relief.

4. The learned counsel for the appellants submitted that because of the liberty granted by the Division Bench, in W.A.(MD). No.1200 of 2016, they had filed second writ petition. However, the prayer in the second writ petition being identical that of earlier writ petition, the doctrine of *resjudicata* would stand attracted and therefore, there is no error in the order passed by the learned single Judge.

5. The learned counsel for the appellants would further point out the grievance of the appellants is that the extent of the land which is taken over is larger than the extent which is acquired. If such is the case, then the remedy for the appellants is to move the authorities and they are not entitled to file a second writ petition. Hence, there in no ground made out to interfere with the learned Single Judge. The writ appeal fails and the same is dismissed. It is always open to the appellants to avail the liberty reserved by the Division Bench in W.A.(MD).No.1200 of



2016. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(P&A)

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/True Copy/

Sub Assistant Registrar

1.The District Collector,
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3.The Thasildar,
Taluk Office,
Karaikudi,
Sivagangai District.

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.15105
+1cc to MR.J.John,Advocate,SR.14655

JUDGMENT MADE IN
W.A. (MD) .No.240 of 2017 &
C.M.P. (MD) .No.2451 of 2017
15.03.2017

JIKR
KK-SVMMS-28.03.2017-3P-6C