



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P. (MD) No. 1397 of 2017

and

W.M.P. (MD) No. 1146 of 2017

WEB COPY

1. R. Ilangovan
2. Singammal.

.. Petitioners

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Taluk Office,
Karaikudi,
Sivagangai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari 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 Petitioners : Mr. J. John

For Respondents : Mr. C. Selvaraj

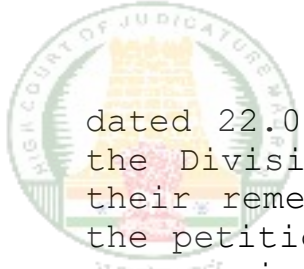
Special Government Pleader

O R D E R

This writ petition is filed challenging the 4(1) notification dated 26.12.1995 and the consequential award No.15/95-96, dated 01.03.1996.

2. Heard the learned counsel for the petitioners and perused the materials placed before this Court.

3. The petitioners/subsequent purchasers, have sought to challenge the acquisition proceedings initiated in the year 1995. From the perusal of the materials placed before this Court, it is evident that the petitioners' vendor filed a writ petition in W.P. (MD) No. 2288 of 1996 challenging the very same notification and that the said writ petition was dismissed on 29.10.2007. Further, it is seen that the present petitioners themselves have already filed another writ petition in W.P. (MD) No. 9788 of 2014 seeking to declare the land acquisition proceedings as deemed to have lapsed and that the said writ petition also came to be dismissed. It is seen that the said order was confirmed in W.A. (MD) 1200 of 2016,



dated 22.08.2016. However, a liberty granted to the petitioner by the Division Bench of this Court in the said order to work out their remedies in accordance with law, is taken advantage of by the petitioners to challenge the very same acquisition proceedings once again before this Court by filing the present writ petition.

4. I fail to understand as to how the petitioners are justified in filing the present writ petition by contending as though the liberty given to them to work out their remedies in accordance with law means filing of another writ petition with very same relief. Needless to say that if their vendors have sold the property, in respect of which, acquisition proceedings were initiated already and culminated into passing of an award even before such alienation, it is for the petitioners to seek appropriate compensation/damages against their vendors by approaching the civil Court. Certainly, they can not file another writ petition challenging the very same acquisition proceedings once again before this Court, when this Court has already rejected such request, one at the instance of the vendors of the petitioners and another at the instance of the petitioners themselves. Therefore, the writ petition is totally misconceived, apart from the fact that it is an attempt of filing multiple writ petitions for the very same cause of action. Hence, this writ petition deserves to be dismissed.

5. Accordingly, this writ petition is dismissed. However, it is for the petitioners to work out their remedy in accordance with law before the competent civil Court against their vendors, if at all if they have any legally sustainable grievance against them. No costs. Consequently, connected Miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Taluk Office,
Karaikudi,
Sivagangai District.

+1cc to M/S. THE SPECIAL GOVERNMENT PLEADER, SR NO: 5009

<https://hccservices.com/go/MDhcs/16> JOHN, ADVOCATE, SR NO: 4701

W.P. (MD) No. 1397 of 2017
30.01.2017

RJ2

SVA/CM/MSA/07.02.2017/2P/6C