

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.1333 of 2017
and CMP.No.18482 of 2017

1. The Government of Tamil Nadu,
Rep. by District Collector,
Villupuram District, Villupuram.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Kallakurichi,
Villupuram District. Appellants /Respondent

Vs.

- 1.Bahadur Sahib
- 2.Abdul Karim
- 3.Mumtaj Respondents/Petitioner

PRAYER:- Writ Appeal filed under clause 15 of Letters Patent,
against the order dated 01.03.2016 made in W.P.No.13568 of 2014.

W.P.No.13568 of 2014:

Petition under Article 226 of the constitution of India,
praying for issuance of a Writ of Certiorari, to call for the
records relating to the notification dated 24.8.2005 issued and
published by the District Collector Villupuram District
Villupuram the first respondent in the Villupuram District
Gazette Extraordinary dated 29.08.2005 under section 4(1) of
the Tamilnadu Land Acquisition of Land for Harijan Welfare
Schemes Act 1978 in respect of the petitioners land measuring
0.40 acres in Survey No.158/1 K.Mamanadal Village Kallakurichi
Tk Villupuram District and quash the same.

For Appellants : Ms.Ramya Revathy
Government Advocate
For Respondents: Mr.P.Mani

J U D G M E N T
(Judgment of the Court was
made by P.VELMURUGAN,J.

The respondents challenged the initiation of land acquisition proceedings under the provisions of Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 in W.P.No.13568 of 2014. The learned single Judge by following the order in the connected writ petition in W.P.No.8793 of 2006 quashed the land acquisition. The order is under challenge at the instance of the State.

2. We have heard the learned Government Advocate on behalf of the appellants and the learned counsel for the respondent.

3. The state acquired the land owned by the respondents in Survey No.158/1, K.Mamamadal Village, Kallakurichi Taluk along with the adjacent land. The acquisition was initiated for giving house sites to the Adi Dravidars of the area. The provisions of Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act was invoked for acquisition of the land in question.

4. The very same notification dated 24 August 2005, which was published in the Government Gazette on 29 August 2005 was challenged by the adjacent land owners in W.P.No.8793 of 2006. The writ petition was allowed by the learned single Judge, by order dated 4 July 2014. The writ appeal filed against the order dated 4 July 2014 in W.P.No.8793 of 2006 was dismissed by the Division Bench by dismissing the application for condoning the delay of 663 days. The order has become final.

5. The notification in question has already been quashed by the Writ Court. The said order was upheld on account of the dismissal of the petition to condone the delay. The respondents are similarly situated. The very same notification is under challenge at their instance. There is no question of considering the legality and correctness of the order passed by the learned single Judge on the basis of the earlier order in the very same subject matter. We are therefore of the view that the appeal deserves to be dismissed.

6. In the result, the intra court appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

svki

To

1. The District Collector
Govt. of Tamil Nadu
Villupuram District, Villupuram.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Kallakurichi,
Villupuram District.

+1 CC to Mr.P. Mani, Advocate sr 7177.

+1 Cc to Govt. Pleader sr 7431.

W.A No.1333 of 2017

AD (CO)
SP (23/03/2018)

सत्यमेव जयते
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