

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.564 of 2015
and M.P.No.1 of 2015

1. The Collector of Thiruvarur District,
Thiruvarur.
2. The Special Tahsildar, .
Ado Dravidar Department,
Mannargudi, Thiruvarur District Appellants/Respondents

Vs.

- 1.Kamalammal
- 2.Tamilchelvi
- 3.Hamasavalli
- 4.Manimekalai ... Respondents/Petitioners

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 15.12.2009 passed by this Court in Writ Petition No.7235 of 2001.

W.P. No. 7235/2001:

Writ Petition filed under Article 226 of the constitution of India praying for a Writ of Certiorari, to call for the records of the first respondent made in proceedings Na.Ka.37016/2000/K.2 dated 18.12.2000 and published in the Government Gazatte dated 06.01.2001 and amended by the 1st Respondent in his proceedings Na.Ka.40848/2000/K.2 dated 26.02.2001 and published in the Government Gazatte dated 28.02.2001 in respect of the property comprised in S.No. 105/1 Orathur Village, Mannargudi Taluk and quash the same.

For Appellants : Mr.A.Srijayanthi
Special Government Pleader

For Respondents : Ms.P.T.Ramadevi

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The land acquisition officer initiated proceedings for acquisition invoking the provisions of the Tamil Nadu Act 31 of 1978. The notification was issued in the name of a dead person. The learned Single Judge therefore, allowed the writ petition filed by the respondents and quashed the acquisition. Feeling aggrieved, the appellants have come up with this intra court appeal.

2. We have heard the learned Special Government Pleader on behalf of the appellants and the learned counsel for the respondents.

3.The land, which is the subject matter of this appeal was acquired for formation of the pathway to the burial ground maintained by the Adi Dravidars in the District of Thiruvarur. The Notification under Section 4(1) of the Land Acquisition Act, was issued in the name of a dead person.

4.The appellants have come up with a contention that they were not aware of the death of the land owner. According to the appellants, the Power Agent of the land owner appeared before the statutory authority during the course of enquiry and participated in the proceedings throughout. The Special Tahsildar therefore, indicated the name of the deceased land owner, as the interested party and thereafter, notification was issued by the Collector.

5.There is no merit in the contention taken by the appellants that they were not aware of the death of the land owner. The appellants were expected to conduct enquiry through the Village Administrative Officer to ascertain the factual position with regard to the ownership of the land, its extent and all other relevant factors for the purpose of acquiring the property. The land owner died on 15.01.1998. However, the notifications were issued on 18.12.2000 and 06.01.2001 indicating the name of the deceased land owner.

6.The learned Single Judge perused the entire award file and satisfied that there was non application of mind. There was no reason recorded by the Special Tahsildar taking into account the objections submitted by the Power Agent. Even if the objections are overruled, still notification is bad in law, as it was made in the name of a dead person. This aspect was taken note of by the learned Single Judge and the writ petition was rightly allowed. We do not find any reason to take a different view in the matter.

7.In the upshot, we dismiss this intra court appeal. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

arr/abr

To

1. The Collector of Thiruvavarur District
Thiruvavarur.
 2. The Special Tahsildar,.
Ado Dravidar Department,
Mannargudi, Thiruvavarur District
- +1 CC to Ms.P.T. Ramadevi, Advocate sr 17533.

BR(CO)
SP(03/04/2018)

W.A.No.564 of 2015

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