

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Appeal No.1845 of 2018

and

C.M.P.No.14779 of 2018

K.Pattu Ammal (died)

S.Velayutham (died)

1. S.Ramanathan

2. V.Selvarani

3. Tmt.J.Muthulakshmi

4. Tmt.V.Poonkodi

5. Selvi.V.Valliammal

6. V.Velmurugan

... Appellants

Vs.

1. District Collector, Salem District, Salem.

2. Revenue Divisional Officer, Salem, Salem District.

3. Special Tahsildar (ADW), Attur, Salem District.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.01.2018 passed by the learned Single Judge in W.P.No.12986 of 2004 on the file of this Court.

Prayer in WP:

Writ petition file under Article 226 of the Constitution of India praying for Issuance of a Writ of Certiorari calling for the records, pertaining to the notification of the first Respondent in R.Dis.No. 23190/80/D.13 dated 08.12.1980, as published in Salem District Gazette dated 18.12.1980 and it consequential order of the third Respondent in Na.Ka.No. 861/92/A, dated 18/03/204 and quash the same.

For appellants : Mr.P.Ganesan for M/s.C.S. Associates

For respondents : Mr.N.Manikandan, Govt. Advocate

JUDGMENT

(The Judgment of the Court was delivered by R.Subbiah, J)

This Writ Appeal has been filed as against the order dated 24.01.2018 passed by the learned Single Judge in Writ Petition No.12986 of 2004, whereby and whereunder, the learned Single Judge has dismissed the said Writ Petition filed by the appellants/writ petitioners praying to quash the Notification of the first respondent issued under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act in R.Dis.No.23190/80/D.13, dated 08.12.1980, as published in Salem District Gazette, dated 18.12.1980 and the consequential order of the third respondent in Na.Ka.No.861/92/A, dated 18.03.2004, directing the land owner to handover the possession of the property in question.

2. The Writ Petition has been filed in the year 2004 after a period of 24 years, challenging the said Notification dated 08.12.1980 issued under Section 4(1) of the said Act. The learned Single Judge has dismissed the said Writ Petition on the ground of delay and laches.

3. Further, when the Writ Appeal is taken up for consideration, it is represented by the learned Government Advocate appearing for the respondents that even the Award in this case has also been passed on 17.03.1981 pursuant to the said Notification issued under Section 4(1) of the said Act and the compensation amount had also been deposited in the competent Court.

4. It is settled law that when once the Award has been passed, challenge cannot be made to the land acquisition proceedings.

5. Therefore, nothing survives for consideration in this Writ Appeal. Further, no justifiable ground is also made out to interfere with the impugned order passed by the learned Single Judge. The Writ Appeal is accordingly dismissed, confirming the impugned order passed by the learned Single Judge. No costs. Consequently, C.M.P. is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

CS

To

1.District Collector,
Salem District,
Salem.

2.Revenue Divisional Officer,
Salem,
Salem District.

3.Special Tahsildar (ADW),
Attur,
Salem District.

+1cc to Mr.C.S.Associates, Advocate, S.R.No.62853

+1cc to the Government Pleader, S.R.No.62994

W.A.No.1845 of 2018

RR(CO)

rrs 23/10/2018



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