IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 01.10.2018

Judgment Delivered on : 02.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Appeal No.1079 of 2016
and
C.M.P.No.14039 of 2016

1. B.Sridharan
2. L.Gnanambigai
3. L.Chandrasekaran
4. R.Madhavi
5. R.Chemmana Selvi
6. J.Ramani
7. J.Devendran
8. T.Suganya
9.M.Shanmugapriya

.. Appellants/Petitioners

Vs.

1. The Union of India,
Rep. by its Joint Secretary,
Ministry of Tourism,
No.119, Transport Bhawan,
1, Parliament Street,
New Delhi-110 001.

2. The Government of Tamil Nadu,
Rep. by its Joint Secretary,
Public (Tourism 1) Department,
Fort St.George,
Chennai-600 009.

3. India Tourism Development Corporation Ltd.,
Rep. by its Chairman and Managing Director,
Scope Complex,
Core 8, 6th Floor, No.7, Lodhi Road,
New Delhi-110 003.

4. The District Collector, Kancheepuram.

5. The Revenue Divisional Officer, Chengalpattu.

6. The Tahsildar,
LA Office, LA Department (Land Acquisition),
GST Road, Chengalapttu.

7. G.R.Thanga Maligai (P) Ltd.,
Rep. by its Managing Director,
Usman Road, T.Nagar,
Chennai-600 017.

.. Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 10.08.2016 passed by the learned Single Judge in W.P.No.27477 of 2016 on the file of this Court.

W.P.No.27477 of 2016

Petition under Article 226 of the Constitution of India Praying for issue of a writ of Certiararified Mandamus Call for the records relating to the proceedings of the 2nd respondent vide G.O.Ms.No. 1573 public (Tourism-I) culminating in its order dated 27.07.1979 as published in the Tamil Nadu Government Gazette Extraordinary Part-II Section-2 dated 30.07.1979 in respect of our land comprised in S.No. 99/3A at No. 162 Mamallapuram Village Chengalpattu District(now Kancheepuram District) measuring an extent of 55 cents quash the same and consequently declare all the subsequent proceedings including the sale of the said land in the name of the 7th respondent as null and void and direct he respondents herein to restore the possession of the said land above referred to to the petitioners.

For appellants : Mrs.K.M.Valsala for Mr.R.Annamalai

For respondents : Mr.T.L.Thirumalaisamy, CGSC for R-1
Mr.S.R.Rajagopal, Addl. Advocate General assisted by Mr.N.Manikandan, Govt. Advocate for RR-2 & 4 to 6
Mr.C.Franco Louis for R-3
Mr.R.Parthasarathy for R-7

JUDGMENT

R.SUBBIAH, J

This Writ Appeal is filed by the writ petitioners

challenging the order dated
10.08.2016 passed by the learned Single Judge in dismissing W.P.No.27477 of 2016 filed by the appellants/writ petitioners praying to quash G.O.Ms.No.1573, Public (Tourism 1) Department, dated 27.07.1979, as published in the Tamil Nadu Government Gazette Extraordinary, Part-II, Section 2, dated 30.07.1979 in respect of the writ petitioners' land(s), comprised in S.No.99/3A at No.162, Mamallapuram Village, Chengalpattu District (now Kancheepuram District), measuring an extent of 55 cents, and consequently declare all the subsequent proceedings including the sale of the said land(s) in the name of the seventh respondent as null and void and direct the respondents to restore the possession of the said land(s) to the appellants/writ petitioners.

2. The case of the appellants/writ petitioners before the learned Single Judge, inter-alia, is as follows:

(a) In the Writ Petition, the third writ petitioner/third appellant has sworn the affidavit on behalf of all the other writ petitioners, stating that the writ petitioners are the legal heirs of Late A.Thiruvengada Mudaliar. Their grandfather Late A.Thiruvengada Mudaliar and his three sons, Late T.Balaraman, Late T.Lakshmanan and Late T.Jagannathan jointly purchased a property comprised in S.No.99/3 at No.162, Mahabalipuram (Mamallapuram) Village, Chengalpattu District, within the Sub-Registration of Thirukazhikundram and within the Registration District of Madras-Chengalpattu, measuring an extent of 10 grounds (55 cents) from one Mrs.Amathulla Saleem, represented by her husband M.M.Saleem as her Power of Attorney, by a sale deed, dated 14.07.1964, registered as Doc.No.2809/1964 on the file of the Registrar, Madras-Chengalpattu.

(b) The third appellant's father Lakshmanan died on 10.05.1983 leaving behind his wife Gnanambigai (second appellant), the third appellant (son) and two daughters (appellants 4 and 5), as his legal heirs. Another son of late A.Thiruvengada Mudaliar, i.e. T.Balaraman died on 02.08.1988 leaving behind his wife B.Andal, his sons by name B.Sridharan (first appellant) and B.Mahendran as his legal heirs. Another son of T.Balaraman, i.e. B.Giridharan was missing from 1980 and his whereabouts are not known even as of today. Thereafter, B.Mahendran died on 21.05.2003 and Mrs.B.Andal died on 30.01.2011 and as of today, the first appellant alone is alive as the legal heir of Late T.Balaraman. Further, another son of Late Thiruvengada Mudaliar, i.e. T.Jagannathan died on 20.03.1995 leaving behind his widow J.Ramani (sixth appellant) and two daughters, being the eighth and ninth appellants and his son being the seventh appellant, as his legal heirs.

(c) The third appellant's grandfather A.Thiruvengada Mudaliar died on 24.11.1972 leaving behind the said three sons, among whom, one of them is the father of the third appellant and also two daughters, namely S.Ambika and T.Mallika. The said

Ambika and Mallika executed jointly a release deed, dated 19.07.1973 registered as Doc.No.4393/1973 on the file of the Registrar, releasing their shares in the property of their father, in the name of their three brothers, with the result, all the appellants/writ petitioners became the absolute owners of the property in question.

(d) In the above situation, the third appellant/third writ petitioner came to know of the following facts in the year 2009 from the authorities concerned, under the provisions of the Right to Information Act, from which he came to know that their above referred to land and some other lands belonging to other owners, were notified for acquisition by the Government of Tamil Nadu under Section 4(1) of the Land Acquisition Act, 1894, as the same was needed for public purpose, namely for expansion of Temple Bay and Shore Cottages at Mamallapuram Village, Chengalpattu Taluk, by the India Tourism Development Corporation Limited (ITDC), the third respondent herein, at the instance of the Union of India, Ministry of Tourism, the first respondent herein.

(e) The first respondent-Union of India, Ministry of Tourism entrusted its function under the Land Acquisition Act to the Government of Tamil Nadu in that regard. Accordingly, Section 4 (1) Notification was issued in G.O.R.No.3364, Public (Tourism-III) Department, dated 23.07.1976, which was published in the Tamil Nadu Government Gazette in its supplement to Part-II, Section 2, dated 11.08.1976. The power of the District Collector under Section 5-A of the said Act was conferred on the fifth respondent. By the said Notification, after some amendment, a total extent of 20.62 acres of land, including the appellant/writ petitioners' lands measuring 55 cents, was sought to be acquired.

(f) The second respondent, after completion of the enquiry under Section 5-A, passed an order of Declaration under Section 6 of the Act, vide G.O.Ms.No.1573, Public (Tourism-I) Department, dated 27.07.1979 for an extent of 21.15 acres, including the writ petitioners' lands measuring 55 cents. After the Declaration issued under Section 6, Award Enquiry was conducted by the Assistant Collector, Chengalpattu, in order to ascertain the compensation payable to the land owners, and an Award, vide No.12684/77/C in Award No.10 of 1986, dated 23.09.1986 was passed, fixing the compensation. On a reading of the said Award, it is clear that no notice had been issued to the then owners of the land in question, namely Mr.Thiruvengada Mudaliar and his three sons. Though it says that they claimed a compensation of Rs.8,000/- per ground, it is not clear as to whether any proper notice had been issued regarding the time and place of enquiry and also whether they really appeared before the Enquiry Officer. The fact that the real owners were not present at the time of enquiry, could be easily inferred from the Award in paragraph 16(1), which reads as follows:

> "This land stands registered in the names of (1) Thiruvengada Mudaliar, (2) T.Balaraman, (3) T.Lakshmanan and (4) T.Jaganathan in the village accounts under P.No.427 Encumbrance Certificate verification reveals that they have purchased the land in Document No.4393/73, dt.20.07.73. Tv.T.Balaraman, Laxmanan and Jaganathan residing at Madras-8, have filed a typed statement claiming ownership of the land. The land in question was purchased by his father A.Thiruvengada Mudaliar, in the year 1964. He died in the year 1964. The interested persons have not produced clear title and enjoyment of the land inspite of repeated notices. Since the interested persons have not appeared for enquiry, the respective shares over the land could not be arrived at and therefore, the apportionment of compensation could not be decided. The entire compensation of the land is ordered to be deposited in the Sub-Court, Chengalpattu under Section 30 and 31(2) of the Land Acquisition Act. There are no trees, Wells, or streams on the lands."

(g) In the above extracted portion of the Award, it was observed that the third appellant's grandfather A.Thiruvengada Mudaliar died in the year 1964, whereas he died only in 1972. Had the third appellant's father and his paternal uncles been present, they would have definitely stated the correct date of death. It is also wrongly stated that the third appellant's grandfather, his father and two uncles purchased the said property(ies) in Doc.No.4393/73, dated 20.07.1973. They really purchased the said land only on 14.07.1964 in Doc.No.2809/1964. The document referred to in the Award stated above is only a release deed, executed by the third appellant's two aunts, in favour of their brothers. The further finding that the interested person had not produced clear title deeds and as a result, their shares in the said land could not be ascertained and therefore, the apportionment of compensation could not be decided, is contradictory and each of those findings in the Award militates against each other. The Award further says that the amount of compensation was not paid to the owners and it had been ordered to be deposited in the Sub-Court, Chengalpattu under Sections 30 and 31(2) of the Land Acquisition Act.

(h) The Award was passed only on 23.09.1986, i.e. more than seven years after the publication of the Declaration made under Section 6. The enquiry ought to have been completed and Award passed, within a period of two years, as per Section 11-A of the Act. Inasmuch as the Award was passed after a lapse of two years, the entire land acquisition proceedings lapsed and there ought not to have been further proceedings. Hence, according to the appellants/writ petitioners, the subsequent proceedings initiated by the authorities concerned, are null and void and non-est in the eye of law.

(i) No notice of the Award as enumerated under Section 12(2) of the Act had been served either on the third appellant's father or on his brothers, and hence, they were unaware of the Award and its contents. Had the Award been served, they would have definitely shown the title deeds and claimed higher compensation for their valuable property(ies). Under those circumstances, the third appellant's father and his two brothers were not only denied an opportunity to question the inadequacy of the compensation, but the very compensation as awarded, was denied to them, as the same had been deposited in the Court behind their back and without their knowledge. Since no notice had been served on the owners of the land(s), the Award passed by the Enquiry Officer under Section 11 of the Act is vitiated, unenforceable and unsustainable in law.

(j) The land(s) in question seemed to have been taken over and handed over to the third respondent-ITDC for expansion of Temple Bay and Shore Cottages at Mamallapuram Village, Chengalpattu Taluk, without paying any compensation to the land owners. Inasmuch as no Award Enquiry is made in accordance with law, i.e. non-service of notice informing the commencement of the Award Enquiry and also non-service of the copy of the Award after it has been passed and also in view of the fact that no compensation had been paid for acquisition of the property, the very acquisition of the writ petitioners' land(s) is null and void and non-est in the eye of law.

3. Hence, the present Writ Petition is filed for the relief stated supra. After considering the pleadings and upon hearing the submissions of the learned counsel appearing for the parties, the learned Single Judge dismissed the Writ Petition mainly on the ground of delay/laches, against which, the writ petitioners are before this Court by way of this Writ Appeal.

4. Learned counsel appearing for the appellants/writ petitioners submitted that the land(s) in question which measures 55 cents in S.No.99/3A were owned jointly by Late Thiruvengada Mudaliar and his three sons, namely Balaraman, Lakshmanan and Jagannathan, which is not disputed. They have purchased the land(s) in question on 14.07.1964. The said Thiruvengada Mudaliar had two daughters and three sons and both the daughters released their respective shares to his sons, namely Balaraman, Lakshmanan and Jagannathan. The said Thiruvengada Mudaliar died on 24.11.1972, Lakshmanan died on 10.05.1983, Balaraman died on 02.08.1988 and Jagannathan died on

20.03.1995. Learned counsel for the appellants further submitted that the lands in question (55 cents) along with a larger extent, were acquired for construction of Temple Bay Shore Cottage at Mamallapuram by the third respondent-ITDC. The details of acquisition are as follows:

Total extent of land acquired	: 20.62 acres
Lands in question in S.No.99/3A	: 55 cents
Section 4(1) Notification	: 23.07.1976
Section 6 Declaration	: 27.07.1979
Section 11 Award (Draft Award)	: 23.09.1986

5. According to the learned counsel appearing for the appellants, no final Award had been passed as per the original records produced in Court and also on the information obtained under the Right to Information Act. The Draft Award has been treated by the respondents as though it is a Final Award. In this regard, when the present Writ Appeal came up for hearing on 06.08.2018, it was brought to the notice of the Court that no Final Award was passed and hence, this Court directed the learned Additional Advocate General to produce the original Award duly approved by the Government and other documents to substantiate their contentions in the appeal. Accordingly, the records/files were produced before this Court. According to the learned counsel appearing for the appellants/writ petitioners, on a perusal of the Award, it was found that only Draft Award was available in the files and hence, the learned Additional Advocate General was directed to produce the original Award duly approved by the Government, but till date, no Final Award is produced before this Court.

6. Learned counsel appearing for the appellants/writ petitioners further contended that at the time of Section 4(1) Notification, the said Thiruvengada Mudaliar was not alive and his three sons who were the owners at the time of acquisition, were residing in Egmore, Chennai, which is about 55 Kms. away from the lands in question. The appellants/writ petitioners were not even aware of the fact that their fathers and grandfather jointly owned the lands in question at Mamallapuram. Except Lakshmanan, the other two sons of Thiruvengada Mudaliar were not well educated and were not aware of the existence of such lands in the name of their father. The only person who was little educated in the family was Lakshmanan, who passed away on 10.05.1983 prior to the date of the Draft Award and none of the sons of Thiruvengada Mudaliar had any knowledge or notice regarding the acquisition proceedings. After coming to know about the proceedings that are said to have been initiated by the acquisitioning authorities, the appellants filed an Encumbrance Certificate and thereafter under repeated the RTI Act applications, they got some incomplete particulars regarding the acquisition proceedings. By the time, the new Land

Acquisition Act, namely the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force with effect from 01.01.2014.

7. Learned counsel appearing for the appellants/writ petitioners further contended that the said new Act is intended to save and protect the land owners from illegal and improper acquisitions. The new Act was brought out only with an intention to protect the rights of poor land owners who lost their lands and have not been paid their fair compensation in proper manner as envisaged under law. This new enactment does not state that there is a time limit for application of the provisions of the Act. Therefore, the contention of the respondents that the acquisition proceedings are aged more than 40 years, cannot be challenged now, becomes baseless. Hence, the dismissal of the Writ Petition by the learned Single Judge on the ground of delay/laches, is unsustainable, in view of the fact that the new Act itself came into force only on 01.01.2014 and the Writ Petition has been filed within a reasonable period in the year 2016. The appellants/writ petitioners have exercised their rights after the new Act is enacted and therefore, the delay cannot be attributed to them, since the Writ Petition has been filed as early as on 29.07.2016. The appellants/writ petitioners have been given the legal right under Section 24 of the new Act to challenge the acquisition proceedings without any time frame or without prescribing any period till when the challenge could be made.

8. With regard to the merits of the case, learned counsel appearing for the appellants/writ petitioners submitted that the lands have been acquired for a public purpose, i.e. expansion of Temple Bay Shore Cottages at Mamallapuram by the third respondent/ITDC, which is a Government of India undertaking. However, the lands have not been utilised for the public purpose and the land(s) had been sold to the seventh respondent-G.R.Thanga Maligai Pvt. Ltd. for Rs.35 crores, which is a private party. In this case, a sum of Rs.8,296.65 had been awarded as compensation to the land owners in respect of 55 cents of lands and even this amount had not been paid to the land owners and no notice of passing of Award had been sent by the second respondent to the land owners or the legal heirs of the deceased land owners, which is a mandatory procedure contemplated under the Land Acquisition Act.

9. Learned counsel appearing for the appellants further submitted that admittedly, as per proviso to Section 11-A of the Act, where the Declaration has been published before the commencement of 1984 Amendment Act, then the Award shall be passed within two years from such commencement. In the present case, the Notification under Section 4(1) was made on 23.07.1976 and the Declaration under Section 6 was published in the Gazeztte on 30.07.1979, but no Award was passed within two years

from 30.07.1979. Under the Land Acquisition Act of 1894, as per Section 11-A (Amendment Act of 1984), the Award shall be passed within two years from the date of publication of Declaration under Section 6 of the Act, failing which the land acquisition lapses. In the instant case, since the Award has not been passed within two years from the date of publication of Declaration, the acquisition proceedings had lapsed. Admittedly, no notice of Award as per Section 12(2) of the Act had been issued either to the land owners or their legal heirs. In this regard, learned counsel appearing for the appellants submitted that the amendment took effect from 24.09.1984 and as per the Amended Act 68 of 1984, as per the explanation to proviso to Section 11-A, by computing the period of two years from the date of the Amended Act, i.e. from 24.09.1984, the Award in this case was required to be passed on or before 23.09.1986, failing which, the acquisition proceedings would lapse.

10. Learned counsel appearing for the appellants also submitted that the Draft Award has been passed on 23.09.1986, which does not mention as to when the notice under Sections 9 and 12(2) of the Act, was issued to the persons interested before/after passing of the Award. It does not mention that it is the Final Award and even assuming without admitting that the Final Award has been passed on 23.09.1986, it is mandatory that the notices of Award should have been issued to the land owners/persons interested. Further, as per proviso to Section 11 of the Act, no Award shall be passed by the Collector without previous approval from the appropriate Government. In this case, even the said Draft Award does not mention as to when the approval was obtained from the Government and it does not specifically mention that it is the Final Award. However, the Draft Award had been treated by the respondents as though it is the Final Award and the subsequent transactions have been proceeded with, which are invalid. It is mandatory that notice of the passing of the Award should have been issued to the land owners/persons interested. From a reading of the recitals in the Draft Award, it is clear that no notice has been issued under Section 12(2), which is mandatory. The respondents have not produced the details of service of notice on the land owners or the persons interested, either prior to passing of the Draft Award or subsequent thereto, and there is not even a mention in the Draft Award about the date on which such notice is alleged to had been issued. Therefore, as per Section 24 of the new Act, the entire acquisition proceedings get vitiated and lapsed.

11. Learned counsel appearing for the appellants further contended that from a reading of the recitals in the Draft Award, dated 23.09.1986, it is clear that the authorities have invoked Sections 30 and 31(2) of the Land Acquisition Act, but these two provisions will arise only after the notice under Section 12(2) is issued and also only when there is a dispute regarding the apportionment, followed by refusal to receive the

compensation amount. Only when the compensation amount is tendered and received by the persons interested, a letter of handing over the possession is taken from the land owners, but no such procedures had taken place in this case.

12. In support of her submissions, learned counsel appearing for the appellants/writ petitioners relied on a decision of the Supreme Court reported in 2016 (6) CTC 624 (SC) (Delhi Development Authority Vs. Sukhbir Singh), in which it is held that the compensation can be paid into Treasury only when persons who are served with notice under Section 12(2) are not present personally at the time when the Award is delivered. In the instant case, though out of three sons of Thiruvengada Mudaliar, two sons, namely Balaraman and Jagannathan were alive at the time of passing of the Award, without issuing notice to them under Section 12(2), the compensation amount was deposited before competent Court. By relying upon the very same judgment of the Apex Court, learned counsel appearing for the appellants submitted that if the Award is passed prior to five years of the commencement of the new Act of 2013, then Section 24 of the new Act will apply.

13. Learned counsel appearing for the appellants further submitted that in the instant case, even assuming for the sake of argument that there is Final Award, the compensation amount has not been paid to the land owners. The amount of compensation was deposited in the Sub-Court, Chengalpattu, on 13.09.1986, which is not possible and permissible under the Act and if that be so, there was no occasion for issuing the notice as contemplated under Section 12 for the reason that according to the authorities, the Award has been passed on 23.09.1986. Hence, for all the above reasons, learned counsel appearing for the appellants/writ petitioners submitted that the entire land acquisition proceedings are vitiated and the same are liable to be quashed and prayed for allowing the Writ Appeal.

14. Countering the above submissions, learned Additional Advocate General appearing for the respondents 2 and 4 to 6 submitted that the Writ Petition is not maintainable on the ground of delay/laches in approaching the Court. There is inordinate delay of 40 years in invoking the Writ jurisdiction of this Court, which has not been satisfactorily explained with proper reasons. Therefore, on this short ground alone, the Writ Petition is liable to be dismissed. In support of this submission, learned Additional Advocate General relied on decisions of the Supreme Court reported in 2010 (14) SCC 309 (T.N.Housing Board Vs. Meiyappan) and 1995 (4) SCC 683 (State of Maharashtra Vs. Digambar).

15. With regard to the merits of the case, learned Additional Advocate General submitted that in this case, there had been land acquisition proceedings and the owners of the lands were paid compensation. Thus, after four decades, the legal heirs cannot seek to impeach the Declaration under Section

6, particularly when the Award having been passed, compensation paid, possession of the property taken over and land utilised for the object of acquisition. In fact, the land owners, viz., the children/grandchildren of Late Thiruvengada Mudaliar, have not raised any objection to the acquisition at the relevant point of time and thus, by conduct, they have consented to the Award and they have participated in the enquiry proceedings, and hence, they are not entitled to assail the acquisition proceedings. Thus, the grandchildren/legal heirs cannot claim any better right than their parents/grandparents and challenge the acquisition proceedings at this distant point of time.

16. The learned Additional Advocate General further contended that it is incorrect to state that notice under Section 12(2) had not been served on the land owners. By producing relevant files, learned Additional Advocate General submitted that in fact, notice under Section 12(2) of the Act had been sent on 26.02.1987 to the land owners after passing the Award, the land owners having been absent at the time of Award proceedings. Further, the appellants/writ petitioners have not questioned the findings of the learned Single Judge on the issue of delay and laches, and only contended that the diversification of the lands for private purpose amounts to fraud, and therefore, they can maintain the Writ Petition. In this regard, learned Additional Advocate General submitted that in the year 2002, by virtue of the policy decision of the Central Government, disinvestment scheme was formulated, pursuant to which, the ITDC property was taken over and pursuant to the same, the shares meant for expansion of Temple Bay and Shore Cottages at Mamallapuram Village, Chengalpattu Taluk, had been transferred in favour of the seventh respondent-M/s.G.R.Thanga Maligai (P) Ltd., and mutation of records was also done at the instance of the seventh respondent and today, they are in occupation of the property. Since transfer of shares was made pursuant to the policy decision of the Central Government, the submission of the learned counsel appearing for the appellants that the lands acquired for public purpose, had been sold to the seventh respondent, which is a private entity, has no significance.

17. Further, learned Additional Advocate General submitted that when once the land(s) had been acquired, it has to become the property of the State, and therefore, the question of transfer of land to the original owner does not arise and the land owner(s) have no right to compel the Government/requisitioning body to re-convey the land to the owner/erstwhile owner/legal heirs. In this context, learned Additional Advocate General relied on a decision of the Supreme Court reported in 1997 (5) SCC 432 (State of Kerala Vs. M.Bhaskaran Pillai), and also a decision of the Division Bench of this Court reported in 2017 (5) LW 697 (The Chairman, Tiruvottiyur Municipality and another Vs. R.Revathy and others)

and the decision of the Supreme Court reported in 1997 (5) SCC 432 (cited supra) had been discussed by the Apex Court in the subsequent decision reported in 2010 (2) SCC 786 (T.N.Housing Board Vs. L.Chandrasekaran). In the above decisions, the following observations are made:

(i) 1997 (5) SCC 432 (State of Kerala Vs. M.Bhaskaran Pillai):

"4. In view of the admitted position that the land in question was acquired under the Land Acquisition Act, 1894 by operation of Section 16 of the Land Acquisition Act, it stood vested in the State free from all encumbrances. The question emerges whether the Government can assign the land to the erstwhile owners? It is settled law that if the land is acquired for a public purpose, after the public purpose was achieved, the rest of the land could be used for any other public purpose. In case there is no other public purpose for which the land is needed, then instead of disposal by way of sale to the erstwhile owner, the land should be put to public auction and the amount fetched in the public auction can be better utilised for the public purpose envisaged in the Directive Principles of the Constitution. .. ..."

(ii) 2017 (5) LW 697 (The Chairman, Tiruvottiyur Municipality and another Vs. R.Revathy and others) :

"33. There is no right to compel the Government or the requisitioning body to reconvey the land either to the erstwhile land owner or to the subsequent purchaser. The issue is no longer res-integra in view of the string of decisions on the point."

Thus, learned Additional Advocate General submitted that when once the compensation is arrived at and deposited in furtherance of the Award, the appellants/writ petitioners are not entitled to challenge the Declaration made under Section 6 of the Act and hence, there is no question of challenging the land acquisition proceedings.

18. Learned Additional Advocate General further pointed out that the possession of the acquired lands, was delivered even as early as on 01.12.1981 to the third respondent/ITDC, which had utilised the same for which the acquisition was made. Thereafter, owing to a policy decision of the Government of India, the disinvestment of certain properties belonging to the third respondent, was undertaken and based on the invitation of

bids, by open sale, the transfer of shares had taken place in respect of the property at Mamallapuram, which was made to the seventh respondent as early as in January/February 2002, and hence, now, after 14 years of lapse of the same, alleging conversion from public purpose to private purpose, the appellants/writ petitioners cannot maintain the Writ Petition. Hence, for all the above reasons, learned Additional Advocate General prayed for dismissing the Writ Appeal, as there is no need for any interference by this Court as against the impugned order passed by the learned Single Judge in dismissing the Writ Petition mainly on the ground of delay/laches.

19. Learned counsel appearing for the third respondent/ITDC submitted that at the request of the Central Government, the Government of Tamil Nadu acquired the lands for expansion of Temple Bay and Shore Cottages by the third respondent in Mamallapuram. Notice was accordingly given under Section 4(1) of the Land Acquisition Act, vide G.O.R.No.3364, Public (Tourism-III) Department, dated 23.07.1976, which was published in the Tamil Nadu Government Gazette, dated 11.08.1976. This was followed by Declaration under Section 6 of the Act, vide G.O.Ms.No.1573, Public (Tourism-I) Department, dated 27.07.1979, which was published in the Tamil Nadu Government Gazette on 30.07.1979. Originally, the total extent that was sought to be acquired by the abovesaid Notification/Declaration was 21.15 acres, which was reduced to 20.87 acres by way of amendment by G.O.Ms.No.498, Information, Tourism and Tamil Culture (Tourism-II) Department, dated 14.06.1982 and at this point of time, all the three sons of Late Thiruvengada Mudaliar were alive.

20. Learned counsel for the third respondent further submitted that after undergoing necessary notices, enquiries and Declaration under the Act in 1976 and 1979, two Awards came to be passed, one in Award No.3/81, dated 17.11.1981 covering S.Nos.99 and 100 of an extent of 13.85 acres and another in Award No.10/86, dated 23.09.1986 covering S.Nos.99 and 100 of an extent of 20.62 acres. The subject lands in the present case, are covered under Award No.10/86, dated 23.09.1986. A careful perusal of the Award reveals that the three sons of Thiruvengada Mudaliar, namely T.Balaraman, T.Lakshmanan and T.Jegannathan, residing at Egmore, Chennai, have claimed compensation for S.No.99/3A at Rs.8,000/- per ground. Hence, it is not in dispute that the sons of Late Thiruvengada Mudaliar were fully aware of the acquisition proceedings.

21. Learned counsel for the third respondent further submitted that the third respondent-ITDC is a Central Public Sector Undertaking, wholly owned by the Government of India under the Ministry of Tourism, New Delhi, the first respondent herein. The activities of the third respondent/ITDC comprise of promoting tourism, marketing its hotels and services, operating hotels, organising tours, running duty free international shops, offering consultancy managerial service in India and abroad, and

also providing tourist transport facilities in accordance with the national policies and programmes of the first respondent-Union of India, Ministry of Tourism. The third respondent-ITDC was also managing various hotels in almost all the States in the country, facilitating tourism development and promotion.

22. Learned counsel for the third respondent-ITDC further submitted that over the years, the third respondent witnessed a gradual slump in the operational profits of its hotels. There was also a decline in the percentage of tourists staying in its hotels. Private hotel operators also launched hotels all over the country. Consequently, the total share of ITDC Hotels in the Indian hospitality industry, dropped considerably. All efforts to revive the third respondent-ITDC proved futile. Therefore, the Ministry of Industry, Department of Public Enterprises, vide Resolution dated 23.08.1996, first constituted a Public Sector Disinvestment Commission for a period of three years, which was further periodically extended. The Commission submitted their respective reports with regard to strategic sale/disinvestment of public sector enterprises and they were implemented. ITDC was one of the public sector enterprises that was taken up for disinvestment. The Government of India, after taking a policy decision to restructure the third respondent, issued an advertisement, dated 11.12.2000, inviting Expression of Interest for the Temple Bay Ashok Beach Resort, Mamallapuram, under the category of Classic-36 rooms, having approximate area of 49.97 acres and as such, the general public was aware of disinvestment of the said Hotel. This also reveals that restructuring is not confined to Temple Bay Ashok Beach Resort at Mamallapuram. In response to calling for Expression of Interest, the seventh respondent enclosed their Request for Qualification (RFQ) and they were selected from the entities which had applied.

23. Learned counsel for the third respondent-ITDC further submitted that as per the recommendations of the Disinvestment Commission, the restructuring/disinvestment of ITDC Hotel property was taken up and the Temple Bay Ashok Beach Resort was included in the First Tranche of disinvestment. Mamallapuram Hotels Pvt. Ltd. was incorporated on 23.08.2001 and based on the value of the property, the Temple Bay Ashok Beach Resort shares were transferred by the third respondent in favour of the Special Purpose Vehicle Company, viz., M/s.Mamallapuram Hotels Pvt. Ltd. by way of a scheme of arrangement. The shareholding pattern of M/s.Mamallapuram Hotels Pvt. Ltd. was as follows:

89.97% ITDC
10.00% Indian Hotels Company Ltd.
00.03% Residual Share Holders of ITDC.

The said scheme of arrangement providing for demerger between the third respondent-ITDC and Mamallapuram Hotels Pvt. Ltd., was confirmed and sanctioned by the Department of Company Affairs, Government of India. Further, as approved by the Cabinet Committee on Disinvestment and with execution of two share purchase agreements, dated 01.02.2002, first, between (a) The President of India, represented by the Joint Secretary, Ministry of Tourism of Government of India, (b) G.R.Thanga Maligai (P) Ltd., and (c) Mamallapauram Hotels Pvt. Ltd., and second, between (a) the Indian Hotels Company Ltd., (b) G.R.Thanga Maligai (P) Ltd., and (c) Mamallapuram Hotels Pvt. Ltd., the management of Temple Bay Ashok Beach Resort, Mamallapuram stood transferred to the selected party, i.e. M/s.G.R.Thanga Maligai (P) Ltd., the seventh respondent herein, with effect from 01.02.2002.

24. The learned counsel appearing for the third respondent also submitted that the disinvestment scheme of Temple Bay Ashok Beach Resort of the third respondent-ITDC came in arising out of Government policy, and is not open to challenge, as it does not violate any law and is not mala-fide. In this regard, learned counsel for the third respondent relied on a decision of the Supreme Court reported in 2002 (2) SCC 333 (Balco Employees' Union (Regd). Vs. Union of India). Learned counsel for the third respondent also stated that like Temple Bay Ashok Beach Resort disinvested by forming a new Company called M/s.Mamallapuram Hotels Pvt. Ltd., the Hotel Agra Ashok was also disinvested by forming a new Company called Hotel Yamuna View Private Ltd., and both Temple Bay Ashok Beach Resort and Hotel Agra Ashok belonged to ITDC Chain of Hotels. The employees of Hotel Agra Ashok challenged the disinvestment and the Supreme Court in the decision reported in 2006 (10) SCC 66 (All India ITDC Workers Union and others Vs. ITDC), upheld the policy decision of the Government of India to transfer Hotel Agra Ashok to Hotel Yamuna View Pvt. Ltd., and to M/s.Mohan Singh. Thus, by relying upon this decision of the Supreme Court, learned counsel for the third respondent submitted that the submission of the learned counsel appearing for the appellants that the lands had been acquired for public purpose and the same were sold to the seventh respondent by transfer of shares, which is a private entity, has no significance.

25. Learned counsel for the third respondent-ITDC further submitted that the land acquisition proceedings started with the publication of Section 4(1) Notification, dated 23.07.1976 and ultimately the Award was passed, and there is abnormal delay and laches on the part of the appellants/writ petitioners in challenging the land acquisition proceedings, and hence, on the ground of delay, laches and third party rights, the Writ Appeal is liable to be dismissed. In support of this submission, the learned counsel for the third respondent relied on the following judgments:

(i) AIR 1974 SC 2271 (P.S.Sadasivaswamy Vs. State of Tamil Nadu);

(ii) 1996 (6) SCC 445 (State of Rajasthan and others Vs. D.R.Laxmi);

(iii) 2003 (1) SCC 335 (Northern India Glass Industries

Vs.Jaswant Singh);
(iv) 2003 (12) SCC 538 (Haryana State Handloom Corp. Ltd. Vs. Jain School Society);
(v) 2010 (4) SCC 532 (Swaran Lata Vs. State of Haryana), and
(vi) 2011 (1) MLJ 171 (SC) (TNHB Vs. M.Meyappan).

26. Learned counsel for the third respondent further submitted that absolutely, there is no fraud on the part of the third respondent-ITDC in carrying on its business of hospitality industry right from the year 1969, even before the acquisition for expansion of Temple Bay and Shore Cottages by the third respondent/ITDC in 1981 came up and continued thereafter till the Government's public policy of disinvestment came up after the Ministry of Industry, Department of Public Enterprises, vide Resolution, dated 23.08.1996 first constituted a Public Sector Disinvestment Commission.

27. Learned counsel for the third respondent also relied on a decision of a Division Bench of this Court in Writ Appeal No.343 of 1996, dated 19.09.2001, in the case of A.Ramachandran Vs. State of Tamil Nadu and two others, wherein this Court has dismissed the Writ Appeal when a challenge was made in respect of the same and connected land acquisition proceedings in S.No.100/2, and the decision of the learned Single Judge was confirmed and the Division Bench had perused the original Award and referred the same in the judgment. Now, after 40 years, it is incorrect to state that the Final Award was not passed, since the Final Award copy was not available. For all the above reasons, the learned counsel for the third respondent-ITDC prayed for dismissal of the Writ Appeal.

28. This Court also heard the submissions of the learned Central Government Standing Counsel appearing for the first respondent-Union of India and the learned counsel for the seventh respondent-G.R.Thanga Maligai Pvt. Ltd. on the above aspects.

29. Keeping in mind the above submissions made by the learned counsel appearing for the parties, we have given our anxious consideration to the same and perused the materials available on record.

30. The following questions arise for consideration in this Writ Appeal:

(i) Whether the Writ Petition is maintainable on the ground of delay/laches ?

(ii) Whether any notice under Section 12(2) of the Land Acquisition Act was sent to the appellants/writ petitioners or the original land owner after passing of the Award ?

(iii) Whether any Original Award is passed, in view of the fact that the same is not available in the records and the contention that only Draft Award was passed, is sustainable ?

(iv) Since the Final Award was not passed within two years from 30.07.1979 being the date of publication of Section 6 Declaration, whether the land acquisition proceedings get lapsed ?

(v) Since the land(s) were acquired for public purpose and when the shares of the third respondent-ITDC were later transferred to seventh respondent-G.R.Thanga Maligai Pvt. Ltd., which is a private entity, the entire acquisition proceedings would get vitiated ?

31. It is seen that on the request of the Central Government, the Government of Tamil Nadu acquired the lands for expansion of Temple Bay and Shore Cottages by the third respondent-ITDC at Mamallapuram. Notification was accordingly issued under Section 4(1) of the Land Acquisition Act on 23.07.1976, and it was published in the Tamil Nadu Government Gazette on 11.08.1976. This is followed by Declaration under Section 6 of the Act, vide G.O.Ms.No.1573, Public (Tourism-1) Department, dated 27.07.1979, which was published in the Tamil Nadu Government Gazette on 30.07.1979. Originally, the total extent of lands sought to be acquired by the abovesaid Notification/Declaration, was 21.15 acres, which was reduced to 20.87 acres by way of amendment by G.O.Ms.No.498, Information, Tourism and Tamil Culture (Tourism-II) Department, dated 14.06.1982.

32. After necessary notices, enquiries and Declaration under the Act in 1976 and 1979, two Awards came to be passed in Award No.3 of 1981, dated 17.11.1981 covering S.Nos.99 and 100 of an extent of 13.85 acres and Award No.10 of 1986, dated 23.09.1986 covering S.Nos.99 and 100 of an extent of 20.62 acres. The present case is covered under Award No.10 of 1986, dated 23.09.1986. Thus, the entire land acquisition proceedings were completed as early as in 1986 itself. In the said land acquisition proceedings, the lands originally belonging to Thiruvengada Mudaliar, of an extent of 55 cents, were also included. Though the said lands were originally acquired for the public purpose of expansion of Temple Bay and Shore Cottages at Mamallapuram by the third respondent-ITDC, later, the shares were transferred to the seventh respondent-G.R.Thanga Maligai Pvt. Ltd., which is a private entity. When the appellants/writ petitioners came to know these facts, they obtained information under the Right to Information Act. By the time, the new Land Acquisition Act, namely the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, came into force on 01.01.2014. This Act is intended to save and protect the land owners from illegal and improper acquisitions. Therefore, the appellants/writ petitioners have filed the present Writ Petition challenging the Notification.

33. According to the learned counsel appearing for the appellants, in view of the fact that the new Land Acquisition Act came into force on 01.01.2014, the present Writ Petition was filed within a reasonable period in the year 2016, and therefore, the delay cannot be attributed against the appellants. But we are not inclined to accept this submission, as the reasons assigned for the delay are very vague and bald in nature. Furthermore, though it is the case of the appellants/writ petitioners that they came to know about the acquisition in 2009 through the information obtained under the Right to Information Act, they have chosen to file the Writ Petition only in the year 2016, i.e. even after the new Act which came into force in the year 2013. No proper explanation is forthcoming from the appellants for this inordinate delay.

34. In the above context, learned Additional Advocate General appearing for the respondents 2 and 4 to 6 relied on the following judgments:

(i) 2010 (14) SCC 309 (T.N.Housing Board Vs. Meiyappan):

"13. At the outset, we must state that on the facts of this case, the High Court was not justified in entertaining the Writ Petition. In our opinion, the Writ Petition must fail on the short ground that the Writ Petition had been filed 16 years after the award was announced by the Collector. It is trite law that delay and laches is one of the important factors which the High Court must bear in mind while exercising discretionary power under Article 226 of the Constitution. If there is such negligence or omission on the part of the petitioner to assert his right which, taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party, the High Court must refuse to invoke its extraordinary jurisdiction and grant relief to the writ petitioner."

"21. In the present case, as already stated, the respondents did not furnish any explanation as to why it took them 16 years to challenge the acquisition of their lands, when admittedly they were aware of the acquisition of their lands and had in fact participated in these proceedings before the Land Acquisition Collector. We have no hesitation in holding that the High Court ought not to have entertained the writ petition of the respondents after 16 years of the passing of the award. The High Court should have dismissed the writ petition at the threshold on the ground of delay and laches on the part of the Respondents 1 to 17, notwithstanding its earlier decision in W.P.No.2244 of 1991, which decision, according to the appellants, was otherwise distinguishable."

(ii) 1995 (4) SCC 683 (State of Maharashtra Vs. Digambar):

"18. Coming to the exercise of power conferred upon the High Court under Article 226 of the Constitution for issuing orders, directions or writs for "any purpose", such power is discretionary, being a matter well-settled, cannot be disputed.

19. Power of the High Court to be exercised under Article 226 of the Constitution, if is discretionary, its exercise must be judicious and reasonable, admits of no controversy. It is for that reason, a person's entitlement for relief from a High Court under Article 226 of the Constitution, be it against the State or anybody else, even if is founded on the allegation of infringement of his legal right, has to necessarily depend upon unblameworthy conduct of the person seeking relief, and the court refuses to grant the discretionary relief to such person in exercise of such power, when he approaches it with unclean hands or blameworthy conduct.

20. Laches or undue delay, the blameworthy conduct of a person in approaching a court of equity in England for obtaining discretionary relief which disentitled him for grant of such relief was explained succinctly by Sir Barnes Peacock, long ago, in Lindsay Petroleum Co. Vs. Hurd [(1874) 5 PC 221] thus:

"Now the doctrine of laches in Courts of Equity is not an

> arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation, in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute or limitations, the validity of that defence must be tried upon principles substantially equitable. Two circumstances, always important in such cases, are, the length of the delay and the nature of the acts done during the interval, which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as it relates to the remedy."

21. Whether the above doctrine of laches which disentitled grant of relief to a party by equity court of England, could disentitle the grant of relief to a person by the High Court in exercise of its power under Article 226 of our Constitution, when came up for consideration before a Constitution Bench of this Court in Moon Mills Ltd. v. M.R. Meher, President, Industrial Court [AIR 1967 SC 1450 : (1967) 2 LLJ 34] , it was regarded as a principle that disentitled a party for grant of relief

from a High Court in exercise of its discretionary power under Article 226 of the Constitution.

22. A three-Judge Bench of this Court in Maharashtra SRTC v. Shri Balwant Regular Motor Service [(1969) 1 SCR 808 : AIR 1969 SC 329] reiterated the said principle of laches or undue delay as that which applied in exercise of power by the High Court under Article 226 of the Constitution.

23. Therefore, where a High Court in exercise of its power vested under Article 226 of the Constitution issues a direction, order or writ for granting relief to a person including a citizen without considering his disentitlement for such relief due to his blameworthy conduct of undue delay or laches in claiming the same, such a direction, order or writ becomes unsustainable as that not made judiciously and reasonably in exercise of its sound judicial discretion, but as that made arbitrarily.

24. Since we have held earlier that the person seeking grant of relief under Article 226 of the Constitution, even if it be against the State, is required to satisfy the High Court that he was not guilty of laches or undue delay in approaching it for relief, need arises for us to consider whether the respondent in the present appeal (writ petitioner in the High Court) who had sought for relief of compensation on the alleged infringement of his legal right, had satisfied the High Court that he was not guilty of undue delay or laches in approaching it for relief. ...."

35. The above two judgments of the Supreme Court are squarely applicable to the facts of this case. Article 300-A of the Constitution of India only limits the power of the State that no person shall be deprived of his property save by authority of law. Thus, there can be no deprivation without sanction of law. However, in the present case, there had been valid acquisition proceedings. Now, after 40 years, the legal heirs of the original land owner, are challenging the land acquisition proceedings which were initiated in the year 1976. No circumstance or ground whatsoever had been set out which

would entitle the appellants/writ petitioners to seek for discretionary relief of condonation of delay. Hence, on the sole ground of delay/laches alone, the Writ Petition is liable to be dismissed.

36. Furthermore, the children of Thiruvengad Mudaliyar, have not raised any objection to the land acquisition at the relevant point of time. They have participated in the enquiry proceedings, and thus, by their conduct, they have consented to the passing of the Award. Therefore, the appellants who are the grandchildren/children of late Thiruvengada Mudaliar, are not entitled to assail the acquisition proceedings. Under the guise of challenging the Declaration made under Section 6 of the Act, the appellants/writ petitioners are seeking to challenge the acquisition proceedings, particularly, post-transfer of the lands acquired to the requisitioning body. The present Writ Petition has been filed only with ulterior motive to make illegal gain, and therefore, on the ground of delay/laches, the Writ Petition is not maintainable. Question (i) is answered accordingly.

37. It is the next submission of the learned counsel appearing for the appellants/writ petitioners that no notice under Section 12(2) of the Act, had been issued after the Award was passed. As per Section 12(2), the Collector shall give immediate notice of his Award to such of the persons interested as are not present personally or by their representatives when the Award is made. It is yet another submission of the learned counsel appearing for the appellants/writ petitioners that under Section 11-A of the Act, the Award shall be passed within two years from the date of the publication of the Declaration. Section 11-A reads as follows:

> Section 11-A: Period within which an award shall be made:-The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:
>
> Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984, the award shall be made within a period of two years from such commencement."

Hence, learned counsel appearing for the appellants/writ petitioners submitted that for non-compliance of the above two provisions of law, the entire land acquisition proceedings are vitiated.

38. On a perusal of the records, we find that Section 12(2) notice had been sent on 26.02.1987. It is seen that the said period of two years for passing of the Award, had been inserted by Act 68 of 1984 under Section 11-A on 24.09.1984 and within a period of two years from the said date of introduction of Section 11-A, the Award was passed on 23.09.1986. Therefore, the submission of the learned counsel appearing for the appellants that the Award was not passed within a period of two years from the date of publication of Declaration under Section 6, has no significance.

39. In fact, earlier, when the acquisition in respect of connected land in Survey Number in S.No.100/2 was challenged before this Court, the Division Bench, in Writ Appeal No.343 of 1996 (A.Ramachandran Vs. State of Tamil Nadu and others, had an occasion to peruse the entire records including the original Award and by judgment dated 19.09.2001, the said Writ Appeal was dismissed. After lapse of 40 years, since the original Award is not available, and only copy of the Award is available, the appellants/writ petitioners cannot take advantage of the same. Hence, the submission of the learned counsel appearing for the appellants that there is no original Award, is rejected. Question Nos.(ii), (iii) and (iv) are answered accordingly.

40. Yet another submission of the learned counsel appearing for the appellants is that the land(s) in question were acquired for public purpose for expansion of Temple Bay and Shore Cottages at Mamallapuram by the third respondent-ITDC, which is a Government of India undertaking. However, later, the lands were not utilised for public purpose, and the same were transferred to the seventh respondent-G.R.Thanga Maligai (P) Ltd., which is a private entity. As already stated by the learned counsel for the third respondent-ITDC in his submissions that there was a gradual slump in the operational profits of the hotels run by the third respondent and there was a decline in the percentage of tourists staying in its hotels. Private hotel operators have also launched hotels all over the country. Consequently, the total share of ITDC Hotels in the Indian hospitality industry dropped considerably. As all efforts to revive the third respondent-ITDC proved futile, based on the Resolution dated 23.08.1996 of the Ministry of Industry, Department of Public Enterprises, a disinvestment scheme was formulated by the Government of India. As approved by the Cabinet Committee on Disinvestment, the share purchase agreements were executed between the President of India, represented by the Joint Secretary, Ministry of Tourism, Government of India and other Hotel Companies including the seventh respondent-G.R.Thanga Maligai (P) Ltd., and the shares stood transferred to the seventh respondent with effect from 01.02.2002. As such, the general public was also aware of the disinvestment scheme and only as per the recommendations of the Disinvestment Commission, restructuring/disinvestment of ITDC

Hotel property was taken up. The Temple Bay Ashok Beach Resort was included in the first Tranche of disinvestment. Thus, the disinvestment scheme of Temple Bay Ashok Beach Resort of the third respondent-ITDC came in, arising out of the Government Policy and it is not open to challenge, as it does not violate any law and is not mala-fide. The policy decision of the Government to disinvest, is not open to be challenged. This is clear from the decisions relied on by the learned counsel for the third respondent, reported in 2002 (2) SCC 333 (Balco Employees' Union (Regd). Vs. Union of India) and 2006 (10) SCC 66 (All India ITDC Workers' Union and others Vs. ITDC), are squarely applicable. Hence, the submission of the learned counsel appearing for the appellants that the shares of the third respondent-ITDC were transferred to the seventh respondent-G.R.Thanga Maligai Pvt. Ltd., which is a private entity, has no significance to quash the acquisition proceedings. Question No.(v) is answered accordingly.

41. Absolutely, we find no infirmity in the impugned order passed by the learned Single Judge warranting interference by us. There are no merits in the Writ Appeal, which is accordingly dismissed. No costs. Consequently, C.M.P. is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To
1. The Union of India,
Rep. by its Joint Secretary,
Ministry of Tourism,
No.119, Transport Bhawan,
1, Parliament Street,
New Delhi-110 001.

2. The Government of Tamil Nadu,
Rep. by its Joint Secretary,
Public (Tourism 1) Department,
Fort St.George,
Chennai-600 009.

3. India Tourism Development Corporation Ltd.,
Rep. by its Chairman and Managing Director,
Scope Complex,
Core 8, 6th Floor, No.7, Lodhi Road,
New Delhi-110 003.

4. The District Collector, Kancheepuram.

5. The Revenue Divisional Officer, Chengalpattu.

6. The Tahsildar,
LA Office, LA Department (Land Acquisition),
GST Road, Chengalapttu.

+1cc to Mr.C.Franco Louis, Advocate, S.R.No.75920

+2cc to Mr.R.Annamalai, Advocate, S.R.No.75801

+1cc to Mr.R.Annamalai , Advocate, S.R.No.75840

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.76005

+1cc to Mr.T.L.Thirumalaisamy, Advocate, S.R.No.76538

+1cc to the Government Pleader, S.R.No.76502

W.A.No.1079 of 2016

RSV(CO)
GSP(29/11/2018)