

Writ Appeal No.1525 of 2017

R.SUBBIAH, J

and

R.PONGIAPPAN, J

This Writ Appeal is listed under the caption "for being mentioned" today. This Court, while allowing the present Writ Appeal on 25.09.2018, filed by the State, observed as follows:

"6. Thus, the above judgment of the Supreme Court is squarely applicable to the facts of the present case, since the action was initiated in the interregnum period, i.e. from 09.09.1981 (date of judgment of the Division Bench of this Court) and 22.11.1994 (date of judgment of the Supreme Court), more particularly, when there was no stay of the judgment of the Division Bench of this Court. Hence, it cannot be said that the acquisition proceedings are vitiated. Therefore, we are of the opinion that the impugned order of the learned Single Judge is liable to be set aside and accordingly, the same is set aside. The Writ Appeal is allowed. No costs. Consequently, C.M.P. is closed."

2. The learned counsel appearing for the respondents/writ petitioners now submitted that the writ petitioners may be granted liberty to file a fresh Writ Petition by invoking the provisions of the New Land Acquisition Act, namely, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation

and Resettlement Act, 2013. The learned counsel appearing for the respondents/writ petitioners further submitted that this Court, while passing the said judgment, dated 25.09.2018 in the Writ Appeal, had granted liberty to the writ petitioners to work out their remedy under the provisions of the abovesaid New Land Acquisition Act, but the same was omitted to be incorporated in the said judgment.

3. In view of the above submission, liberty is granted to the respondents/writ petitioners to work out their remedy under the provisions of the abovesaid New Land Acquisition Act in the manner known to law.

4. In other respects, the earlier judgment dated 25.09.2018 shall remain unaltered.

(R.P.S.J)

(R.P.A.J)

06.01.2020

Office to note: Issue order copy on or before 09.01.2020

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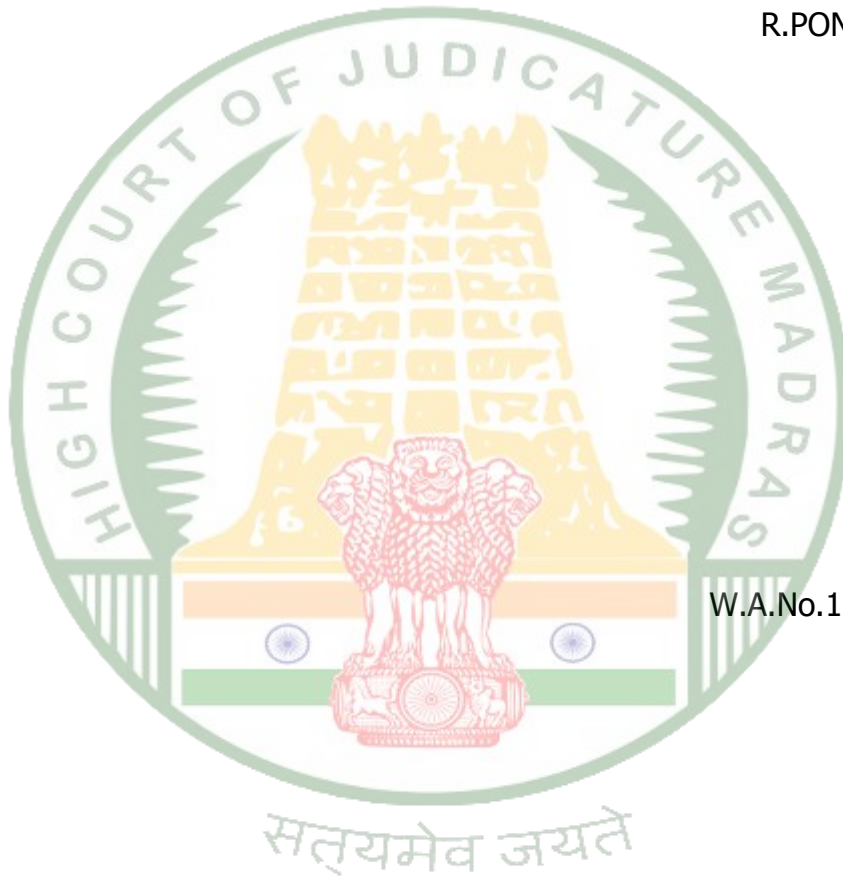
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