

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 13452 of 1996

and

W.M.P. 18212 of 1996

1. T.Swaminathan
2. T.Gnanasekaran
3. Dr.T.Subramanian (since deceased)
4. T.Vivekanandan
5. Kalaiselvi Thirunavukkarasu
6. T.Nirmal Kumar, minor  
rep. by his mother and guardian  
Kalaiselvai Thirunavukkarasu,  
5<sup>th</sup> Petitioner herein
7. S.Gandhimathy
8. S.Babu Devasenapathi
9. Priya Subramaniam ... Petitioners  
(R7 to R9 as the Legal Heirs of the Deceased P3 as per order  
dated 09.07.2014 made in W.M.P.148/2014 in W.P.13452/1996)

Vs

1. The Government of Tamil Nadu,  
rep. by its Secretary,  
Adi Dravidar Welfare Department,  
Secretariat,  
Chennai-9.
2. The Special Tahsildar (LA),  
Adi Dravidar Welfare Dept.,  
Kangeyam, Periyar Dt. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the Government of Tamil Nadu, the 1<sup>st</sup> respondent herein relating to the notification issued under Sec.4 Sub Clause 1 of the Land Acquisition Act as per G.O. No.993, Adhi Dravidar and Tribal Welfare department dated 29.10.1991 and the consequential declaration under Section 6 issued G.O. 897, Adhi Dravidar and Tribal Welfare Department on 01.12.1992 and published in the Tamil Nadu Government Gazette and quash the said Government Orders with costs.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.M.Elumalai,  
Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed challenging the order of 1<sup>st</sup> respondent and the consequential declaration under Section 6 issued in G.O. Ms. No. 897, Adhi Dravidar and Tribal Welfare Department dated 01.12.1992 and published in the Tamil Nadu Government Gazette on 02.12.1992 and quash the said Government Orders with costs.

2. The petitioner has challenged the acquisition proceedings in this Writ Petition. Thereafter, in order to avail the benefit of Sec.24(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013, Act 30 of 2013 (hereinafter called as "Act"), the petitioner has filed a petition to amend the prayer in W.P.M.P. No.145 of 2014 as follows :-

"To issue a Writ of Certiorarified Mandamus, to call for the records of the Government of Tamil Nadu, the 1<sup>st</sup> respondent herein relating to the notification issued under Section 4 Sub-clause 1 of the Land Acquisition Act as per G.O.No. 993, Adhi Dravidar and Tribal Welfare Department dated 29.10.1991 and the consequential declaration under Section 6 issued G.O.No.897-1, Adi Dravidar and Tribal Welfare department on 01.12.1992 and published in the Tamil Nadu Government Gazette on 02.12.1992 and quash the same and consequently direct the respondents to allot an extent of 0.93.5 hectares of similarly situated lands in the surrounding areas."

3. Today, when the matter taken up for hearing, Mr.R.Karthikeyan, learned counsel appearing for the petitioner has expressed his desire to argue the matter under Sec.24(2) of the Act and he has further submitted that already the Hon'ble Apex Court has constituted a Larger Bench in the matter of State of Haryana Vs. G.D. Goenka Tourism Corpn. Ltd. and the Larger Bench passed an order dated 21.02.2018, wherein in paragraph 9, while referring the issue of Sec.24 of the Act to the Larger Bench, the Hon'ble Apex Court had requested all the High Courts not to deal with any cases relating to the interpretation of or concerning Sec.24 of the Act.

4. In view of the above, I am not inclined to deal with the prayer in this Writ Petition at this stage. Accordingly, the Writ Petition stands closed with the agreement that the ultimate decision of the matter before the Hon'ble Apex Court would also govern the present Writ Petitioner. However, the liberty is granted to the petitioner to file an appropriate petition after the verdict of the Larger Bench in order to enure the benefit of the decision of Hon'ble Apex Court. In the meanwhile, the interim order already granted by this Court continues till the decision of Hon'ble Apex Court. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

rpp

To

1. The Secretary,  
Adi Dravidar Welfare Department,  
Secretariat,  
Chennai-9.

2. The Special Tahsildar (LA),  
Adi Dravidar Welfare Dept.,  
Kangeyam, Periyar Dt.

+1 CC to Govt. Pleader sr 60730.

+1 CC to Mr.R.Karthikeyan, Advocate sr 60178.

W.P. 13452 of 1996  
and

W.M.P. 18212 of 1996

सत्यमेव जयते

NRJK (CO)  
SP (26/08/2019)

WEB COPY