

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.22792 of 2006
and
MP.Nos.3 & 243 of 2006

1. N.Vijayakanthan
2. N.Rajaraman

... Petitioners / Petitioners

vs

1. The Collector,
Cuddalore District,
Cuddalore.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Cuddalore.

... Respondents / Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for records, quash the proceedings of the 2nd respondent relating to notification Na.Ka.Aa/891/2003 dated 19.06.2003 followed by notification Na.Ka.Aa.691/03 dated 05.07.2006 in respect of properties situate in Madalapattu Village, Cuddalore Taluk bearing R.S.No.216/1A Hec.0.50.0 and 216/1B Hec.0.58.0.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.M.Elumalai
Government Advocate

O R D E R

The writ petition on hand is filed for quashing the proceedings of the 2nd respondent in relation to the notification dated 19.06.2003 followed by notification dated 05.07.2006 in respect of properties situate in Madalapattu Village, Cuddalore Taluk bearing R.S.No.216/1A Hec.0.50.0 and 216/1B Hec.0.58.0.

2. The learned counsel for the writ petitioner states that the procedures contemplated under the Land Acquisition Act has not been followed. The main ground raised in the present writ petition is that the objections submitted by the writ petitioner

had not been considered by the Competent Authorities at the time of adjudication. Therefore, the impugned order is liable to be scrapped.

3. The learned counsel for the writ petitioner further states that, on account of the interim stay granted by this Court, the writ petitioner is in possession of the land described in the present writ petition and accordingly, the acquisition proceedings are to be set aside.

4. The learned Government Advocate appearing on behalf of the respondent relying on the type set of papers filed by the Government Pleader states that the procedures contemplated under the Land Acquisition Act had been followed scrupulously and there is no lapse on the part of the Competent Authorities in respect of the ground raised by the writ petitioner that his objections were not considered. The learned Government Advocate cited the copy of the order passed in proceeding dated 12.04.2004. The Competent Authority recorded the objections placed by the writ petitioner and findings are also provided.

5. The learned Government Advocate states that the first writ Petitioner Mr.Vijayakanthan deposed before the Authority that he is an agriculturist and he has no other sources of income. The learned Government Advocate reiterated by stating that the 2nd writ Petitioner Mr.Rajaraman during the relevant point of time was holding the post of the Head Master of a School and the first writ petitioner Mr.Vijayakanthan deposed that he has no other sources of income.

6. The said objection was also dealt with by the Authorities and on verification it was found that the wife of Mr.Vijayakanthan, Smt.Banumathi was possessing a land and their Son Mr.Sugumaran was employed as an Engineer in a private concern. Thus the family was having sufficient income and accordingly, the objections raised by the writ petitioner had been considered and the findings was provided. In view of the fact that the objections were considered, the writ petition deserves to be rejected.

7. It is brought to the notice of this Court that the acquisition proceedings were initiated during the year 2003 and the final award was passed on 26.07.2006 and the award amount was also deposited in the Revenue Department. This being the factum of the case, this Court is of an opinion that the procedures contemplated under the Land Acquisition Act had been followed by the Authorities and the proceedings were already concluded. Under these circumstances, the challenge made in respect of the notification dated 19.06.2003 and 05.07.2006 deserves no merit consideration.

8. Accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Pkn

To

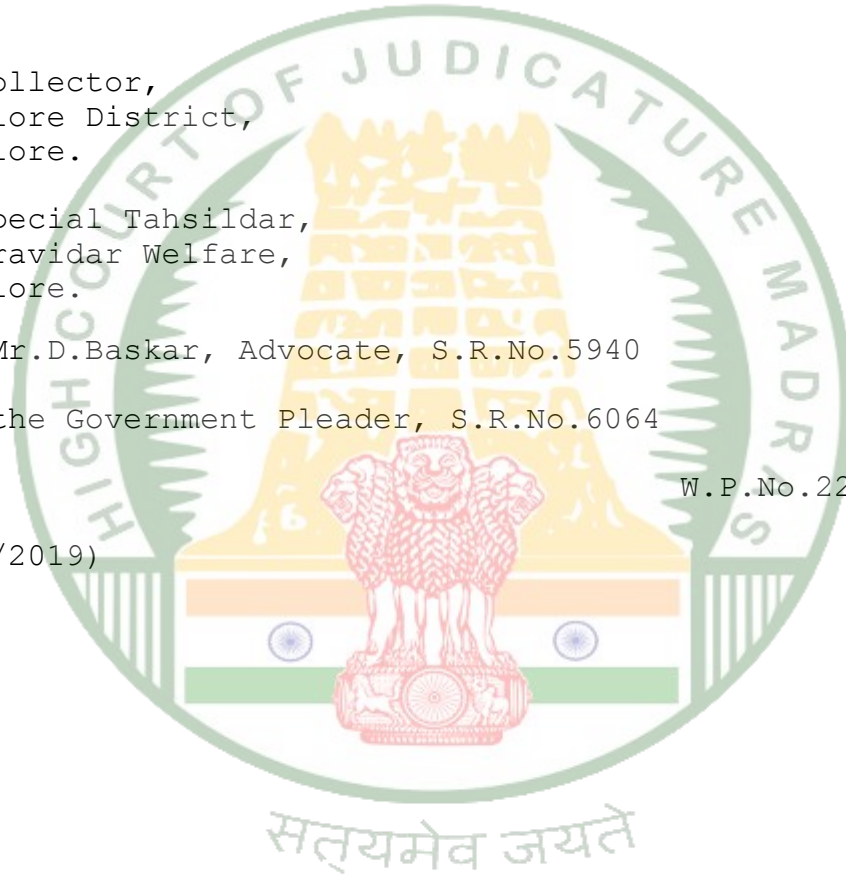
1. The Collector,
Cuddalore District,
Cuddalore.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Cuddalore.

+1 cc to Mr.D.Baskar, Advocate, S.R.No.5940

+1 cc to the Government Pleader, S.R.No.6064

W.P.No.22792 of 2006

SR(CO)
SSM(19/02/2019)



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