



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35419 of 2005

Chaparala Sivaramakrishnan

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Secretary,
Housing and Urban Development
Department,
Fort St.George,
Chennai - 600 009.

2. The Special Tahsildar,
(Land Acquisition),
Unit II, Tamil Nadu Housing
Board Schemes, Nandanam,
Chennai - 600 035.

3.Tamil Nadu Housing Board represented by its
Executive Engineer and Administrative Officer,
Mogappair Division, Tamil Nadu Housing Board,
Chennai - 600 101.

... Respondents

(R-3 -Impleaded as per Order dt 30.01.2014
in WPMP.No.489/2011 in WP No.35419/05)

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the record of the first respondent in G.O.Ms.No.258 Housing Urban Development L.A.1(2) dated 10th October 2003 and quash the same with respect to the petitioner's lands situated in Survey No.54/1-B to an extent of 0.22.05 hectares in Perumalagaram Village, Block II, Ambattur Taluk, Thiruvallur District.

For Petitioner : Mr.T.Thirumaran

For Respondents : Mr.M.Elumalai for R1 & R2
Government Advocate
Mr.M.Baskar for R3



O R D E R

In an earlier occasion, the very same Government Order was already challenged before this court and the Hon'ble Division Bench of this court in W.A.No.1048 of 2007 has decided the relevant portion as follows:

"2. A learned Single Judge of this court, after hearing the learned counsel appearing on either side, dismissed the writ petition stating that the last publication of the Notification under Section 4 (1) of the Land Acquisition Act was issued on 18.10.2002 and therefore the Declaration under Section 6 of the Act made on 14.10.2003 was within time.

3. Challenging the said order, the appellant has filed the present writ appeal.

4. We heard the learned counsel appearing on either side and perused the entire materials available on record.

5. It is seen from the materials available on record that the main attack on the land acquisition proceedings by the appellant is that the Declaration has not been issued within one year from the date of publication of 4(1) Notification as is mandated under the Land Acquisition Act. But, the learned Single Judge, after going through the materials placed on record thoroughly, has arrived at the factual conclusion that the Declaration has been issued within one year from the date of publication of the Notification under Section 4 (1) of the Act. On re-appreciation of the entire materials placed on record, we are in total conformity with the finding of the learned Single Judge and we see no reason to interfere with the same. Consequently, the writ appeal fails and it is dismissed. No costs. Connected miscellaneous petition is closed."

2. The decision of the Hon'ble Division Bench is squarely applicable to the present case also. Hence, this writ petition is dismissed. No costs. However, it is open to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(Ins.cell)

//True copy//

Sub Assistant Registrar

gv



To

1. The Secretary,
The State of Tamil Nadu,
Housing and Urban Development
Department,
Fort St.George,
Chennai - 600 009.

2. The Special Tahsildar,
(Land Acquisition),
Unit II, Tamil Nadu Housing
Board Schemes, Nandanam,
Chennai - 600 035.

+1cc to Mr.M.Baskar, Advocate SR.No.51349

W.P.No.35419 of 2005

BS (CO)
GMY (14/10/2019)