



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2019

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI, J.

W.P.No.37836 of 2005

and

WMP.No.40513 of 2005

1. Appavu Reddy (Died)

2. A. Savithiri

P2 is substituted as LRs of deceased
P1 Appavu Reddy, as per Court order
dated 13.12.2018 by SMSJ in
WMP.No.37656 of 2018.

...Petitioner

Vs

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Department of Adi-Dravida Welfare,
Fort. St. George, Chennai- 600 009.

2. District Collector,
Villupuram,
Villupuram District.

3. District Welfare Officer,
Collector Office,
Villupuram.

4. Special Tahsildar (ADW),
Kallakurichi,
Villupuram District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari or any other appropriate Writ order or Direction to call for the records relating to the notification dated 05.10.2005 in (M2/47480/2804) (A/253/2004) published in Villupuram District Gazette Extraordinary dated 08.10.2005 issued by the second respondent quash the same in so far as lands comprised in Survey No.103/3 measuring 0.87.0 hectares of Mungilthoraipattu Village is concerned.



For Petitioners : Mr. V. Prakash Babu
For Respondents : Mr. M. Elumalai, Government Advocate

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ORDER

Writ Petition is filed to call for the records relating to the notification dated 05.10.2005 in (M2/47480/2804) (A/253/2004) published in Villupuram District Gazette Extraordinary dated 08.10.2005 issued by the second respondent quash the same in so far as lands comprised in Survey No.103/3 measuring 0.87.0 hectares of Mungilthoraipattu Village is concerned.

2. The Learned counsel for the petitioner submitted that though the petitioner is challenging the Section 4(1) notification, the similarly placed persons like that of the petitioner have filed similar Writ Petitions before this Court. This Court by its order dated 23.11.2018 in W.P.Nos.6175 and 6903 of 2006 upheld the validity of the acquisition proceedings in respect of the land in question. While entertaining the writ petition, this Court granted interim stay of all further proceedings on 23.11.2005. However, on 09.01.2006, the Land Acquisition Officer proceeded with the matter and passed the Award. The Learned counsel for the petitioner submitted that appropriate enquiry may be conducted by the respondent and liberty may be granted to the petitioner to participate in the enquiry and thereafter the Award may be directed to be passed in the manner known to law.

3. The Learned Government Advocate would submit that this Court granted order of stay so far as this W.P. alone which was segregated from the Batch and the land Acquisition Officer presumed that therefore with regard to other petitioners he can proceed with the Award and accordingly, proceeded to pass the Award. However in view of the Land Acquisition proceedings already upheld by this Court, no further adjudication is needed in the present case. Considering the facts and circumstances, since the Land Acquisition proceedings were upheld by this Court in the other W.Ps. the Land Acquisition Officer is entitled to passed order without considering the order of stay of further proceedings granted by this Court in this W.P.

4. This Court perused the records of the Court, which revealed that this Court granted absolute interim stay on 23.11.2005 in WMP.No.40513 of 2005. However the land Acquisition Officer proceeded with the matter and passed the Award and therefore the Award is liable to be set aside in respect of the



petitioner alone. Hence, I am inclined to set aside the Award passed by the Land Acquisition Officer in respect of the petitioner alone, however liberty is granted to the respondent to pass Award in respect of the petitioner's land after providing due opportunity to the petitioner and the petitioner is also permitted to participate in the enquiry fixed by the Land Acquisition Officer. Thereafter, the Land Acquisition Officer is directed to pass orders in accordance with law. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrn

1. The Secretary to Government,
State of Tamil Nadu,
Department of Adi-Dravida Welfare,
Fort. St. George, Chennai- 600 009.

2. District Collector,
Villupuram,
Villupuram District.

3. District Welfare Officer,
Collector Office,
Villupuram.

4. Special Tahsildar (ADW),
Kallakurichi,
Villupuram District.

+lcc to Mr. V. Prakash Babu, Advocate sr.53951

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and
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rr(co)
nr 29/08/2019