

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. Nos. 9239 & 9240 of 2010

and

M.P.Nos. 1 & 1 of 2014

1. Arunachala Gounder
2. Mohankumar
3. Senthilnathan
3. Sureshkumar
5. Sivakami

... Petitioners in both Writ Petitions

Vs

1. The State of Tamil Nadu
represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai - 9.
2. The Special Tahsildar
Land Acquisition,
Housing Scheme Unit - I,
Coimbatore.
3. The Tamil Nadu Housing Board,
Coimbatore Housing Unit, Coimbatore,
represented by its Executive Engineer
and Administrative Officer,
Tatabad, Coimbatore - 12.

... Respondents in both Writ Petitions

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records in relation to the notification issued under Section 4(1) of the Land Acquisition Act, 1894, in G.O.Ms.No. 670 dated 31.07.1995 & G.O.Ms.No. 4 dated 02.01.1998 (Housing & Urban Development Department) and the declaration made under Section 6 of the land Acquisition Act in G.O.Ms.No. 422, dated 26.09.1996 and G.O.Ms.No. 53, dated 18.02.1999 (Housing & Urban Development Department) by the first respondent under the Land Acquisition Act 1894 and quash the same in respect of the lands belonging to the petitioners, comprised in S.F.Nos. 13/2 14/1B, 15/1, 3/1B, 3/1D, 4/2C1 and 4/2C2 situated at Vellakinaru Village, Coimbatore.

For Petitioners: Mr.S.Ganesh

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

Mr.R.Gowri
for R3.

C O M M O N O R D E R

These Writ Petitions have been filed to issue a Writ of Certirari, to call for the records in relation to the notification issued under Section 4(1) of the Land Acquisition Act, 1894, in G.O.Ms.No. 670 dated 31.07.1995 & G.O.Ms.No. 4 dated 02.01.1998 (Housing & Urban Development Department) and the declaration made under Section 6 of the land Acquisition Act in G.O.Ms.No. 422, dated 26.09.1996 and G.O.Ms.No. 53, dated 18.02.1999 (Housing & Urban Development Department) by the first respondent under the Land Acquisition Act 1894 and quash the same in respect of the lands belonging to the petitioners, comprised in S.F.Nos. 13/2 14/1B, 15/1 and S.F.Nos. 3/1B, 3/1D, 4/2C1, 4/2C2 situated at Vellakinaru Village, Coimbatore.

2. The petitioners have challenged the acquisition proceedings in these Writ Petitions. They have filed MP.Nos.1 and 1 of 2014 in both the Writ petitions so as 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").

3. Today, when the matter taken up for hearing, Mr.S.Ganesh, learned counsel appearing for the petitioners 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 these Writ Petitions at this stage. Accordingly, these Writ Petitions stand closed with the agreement that the ultimate decision of the matter before the Hon'ble Apex Court would also govern the present Writ Petitioners. However, the liberty is granted to the petitioners to file 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 Petitions are closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Chennai - 9.
2. The Special Tahsildar
Land Acquisition,
Housing Scheme Unit - I,
Coimbatore.
3. The Tamil Nadu Housing Board,
Coimbatore Housing Unit, Coimbatore,
represented by its Executive Engineer
and Administrative Officer,
Tatabad, Coimbatore - 12.

+1 CC to M/s. Gowri, Advocate sr 65115.
+2 CCS to Mr. Ganesh, Advocate sr 65611.
+1 CC to Govt. Pleader sr 65933.

सत्यमेव जयते

W.P. Nos. 9239 & 9240 of 2010

MG (CO)
SP (28/08/2019)

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