

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.39946 of 2005
and
WMP.No.42826 of 2005

K. Chandrammal ... 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,
rep by its Executive Engineer & Administrative Officer,
Mogappair Division, TNHB, Chennai-101 ... Respondents
(R3-implead as per Court order dated 30/01/14
in WMP No.483/11 in WP No.39946/05)

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 and Urban Development L.A.1 (2) dated 10th October 2003 and quash the same in respect of the lands situated in survey No.8/1B/1 to an extent of 0.08.0 Hectares in Perumalagaram Village Block 3, Ambathur Taluk, Thiruvallur District.

For Petitioner : Mr.V.Jayaprakash

For Respondents : Mr.M.Elumalai
Government Advocate (for R1 & R2)
Mr.M.Baskaran (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 applicable to the present case also. Hence the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

To

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. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Mogappair Division, TNHB, Chennai-101

+2cc to Mr.V.Jayaprakash, Advocate SR.No.52157, 51400

+1cc to Mr.M.Baskaran, Advocate SR.No.51351

+1cc to Government Pleader SR.No.51736

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and
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RV(CO)
GMY(11/10/2019)