

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Appeal No.1315 of 2019
and
C.M.P.No.8943 of 2019

T.Venkatachalam,
S/o. (Late) Thannidasa Gounder ... Appellant/Petitioner

-vs-

- 1.The Tamilnadu Magnesite Ltd.,
Rep., by its Managing Director,
No.5/53, Omalur Main Road,
Jagir Ammapalayam Post, Salem-636 302.
- 2.The Special Tahsildar,
Land Acquisition, TANMAG, Salem,
Rep., by Sub-Collector,
Mettur, Salem District.
- 3.Thiru.Duraisamy,
S/o.(Late) Krishnan. ... Respondents/Respondents

APPEAL under Clause 15 of the Letters Patent to set aside
the order dated 03.01.2019 made in Writ Petition No.34301 of
2018 on the file of this Court.

Prayer in W.P.No.34301 of 2018:-

Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a writ of
Certiorari/Mandamus, calling for the records relating to
the 3rd respondent concern award order by the 2nd respondent for
compensation of acquire the land award No.5 of 1986 dated
20.8.1986 in so far as it relates the award of 3rd respondent
and quash the same and direct the respondent 1 and 2 to give the
award of compensation to the petitioner in old survey No.38 New
Survey NO.87/2 and old Survey No.40 New Survey No.86/3 in
Thathaiyangratty village Omalur Taluk salem District.

For Appellant : Mr.D.Dhayalan

JUDGMENT

(Delivered by T.S.Sivagnanam, J.)

Heard Mr.D.Dhayalan, learned counsel for the appellant.

2.This appeal has been filed challenging the order in Writ Petition No.34301 of 2018, dated 03.01.2019.

3.The writ petition filed by the appellant/writ petitioner to quash the award in Award No.5 of 1986 dated 20.08.1986, insofar as it grants benefit to the 3rd respondent and for a direction to the 1st and 2nd respondents to pay the compensation to the appellant/writ petitioner was dismissed by the learned Single Bench on the ground that the appellant has challenged the award passed in the year 1986, after expiring of 32 years.

4.The learned counsel for the appellant would vehemently contend that the Sale Deed executed in favour of the appellant's predecessors was titled to the appellant as early as in the year 1928, and fraudulently, the third respondent obtained patta in his name. It is submitted by the appellant that challenging the said alleged fraudulent patta, he had submitted his objections before the revenue authorities, but the same were rejected.

5.It is the further case of the appellant that when the lands were acquired by the Government for the 1st respondent company and during the award proceedings, the appellant had raised his objections stating that he is the original owner of the land, but the same were also rejected. This admitted fact would clearly show that the appellant was not fraudulent in prosecuting the matter before the appropriate authorities at the appropriate time. As long as the title of the 3rd respondent had not been disrupted or challenged by the appellant in a manner known to law, at this juncture, that too, after a Division Bench in W.A.No.1411 of 2017, dated 11.12.2017, in the case of T.N.Magnesite Ltd., vs. Rajamani and Ors. enhanced the compensation, the appellant cannot start a fresh round of litigation by filing a writ petition. Further, it is relevant to mention that the 3rd respondent herein is the 8th respondent in W.A.No.1411 of 2017, beneficiary of the award of enhanced compensation.

6.Thus, for the above reasons, we are of the view that the writ petition was rightly dismissed by the learned Single Bench.

The appellant has not made out a case for interference.

7.For the above reasons, the writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

abr

To

1.The Managing Director,
The Tamilnadu Magnesite Ltd.,
No.5/53, Omalur Main Road,
Jagir Ammapalayam Post,
Salem-636 302.

2.The Special Tahsildar,
Land Acquisition, TANMAG, Salem,
Rep.by
The Sub-Collector,
Mettur, Salem District.

+1 cc to M/s.D.Dhayalan, Advocate Sr.No.36976

W.A.No.1315 of 2019

SKV(CO)
CSL/06.06.2019

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