

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.36491 of 2004
and
WPMP.No.43822 of 2004

1. K. Rakkianna Gounder
2. R. Rajaram
3. R. Murugesan

...Petitioners

vs

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai -600 009.
2. The Special Tahsildar (Land Acquisition)
Neighbourhood Scheme,
Salem-600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records in G.O.MS.No.447 housing and Urban development dated on 10.07.1992 published in the Tamil Nadu Government Gazette Extraordinary on 21.07.1992 with regard to the declaration under Sec.6 of the Land acquisition act and GO MS. No.879 Housing and Urban Development dated 28.05.1991 published in the Tamil Nadu Government Gazette on 19.06.1991 with regard to the notification under Sec.4 of the Land Acquisition Act issued by the first respondent herein in respect of the Survey No.66/1-0.91.0 hectares (Half share) and Survey No.65/3-1.20 acre (Half share) owned by the petitioner and quash the same.

For Petitioners : Mr.M. Elango

For Respondents : Mr. D. Raja, AGP.

O R D E R

The petitioner filed the above Writ Petition challenging the acquisition proceedings namely notification issued under Section 4 and declaration under Section 6 (1) of the Land Acquisition Act. Subsequently, the Central Government enacted Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Section 24 of this Act deals with the circumstances under which a land acquisition proceedings is deemed to have been lapsed.

2. In view of the above, the learned counsel for the petitioner has made an endorsement to the effect that the petitioner may be permitted to file a Writ Petition by availing benefit of the said Act. Hence, the Writ Petition is disposed of with a liberty to the petitioner to file a fresh Writ Petition invoking Section 24 of the said Act. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrn
To

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

2. The Special Tahsildar (Land Acquisition)
Neighbourhood Scheme,
Salem-600 008.

+1cc to M/S.M.Elango, Advocate Sr.45594

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cnr[co]
srg 10/07/2019