

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 3710 of 2020

and

W.M.P. Nos. 4384 to 4386 of 2020

1. Periammal
2. Uma
3. C.Nehru
4. P.Kaliaperumal
5. P.Mahalingam

.. Petitioners

Vs.

1. The Secretary to
Government of Tamil Nadu
Adi Dravidar and Tribal Welfare Department
Secretariat
Fort St. George
Chennai - 600 009.
2. The Director of Adi Dravidar Welfare
Directorate of Adi Dravidar Welfare
Chepauk, Chennai - 600 005.
3. The District Collector
Ariyalur District
Ariyalur - 621 704.
4. The Special Tahsildar
Adi Dravidar Welfare/ Land Acquisitions
Udayarpalyam
Ariyalur District - 621 804.

..Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorari, calling for the entire records relating to the notification under Section 4(1) of the Land Acquisition Act, 1894 published in Fort St. George Gazette dated 10.06.1970 in page No.22 of Supplement in part III Section 1 and ending with the Declaration under Section 6 of the Land Acquisition Act, 1894 in G.O. Rt. No.1281, Social Welfare Department dated 26.07.1972 of the First Respondent and published in Tamil Nadu Government Gazette as Notification-3, No.3912/1972 at pages 18 and 19 of Supplement to part II Section 1 of the Gazettee dated 9.8.1972 in respect of vacant land in

Survey Nos. 204/4 measuring an extent of Acre 0.41 cents situated in Irugaiyur Village, Udayarpalayam Taluk, Ariyalur District and quash the same.

For Petitioners : Mr. S.D.S. Phillip
For Respondents : Mr. M. Elumalai
Government Advocate

O R D E R

The Petitioner had earlier challenged the notice dated 19.10.1975 issued by the Special Tahsildar (Harijan Welfare) Land Acquisition, Ariyalur in his proceedings under Section 5A of the Land Acquisition Act, 1894 in W.P. No. 36296 of 2003 before this Court, which was dismissed by order dated 24.07.2019. This Writ Petition has been filed challenging the notification dated 10.06.1970 issued under Section 4(1) of the Land Acquisition Act, 1894, in respect of the same acquisition proceedings.

2. When it is pointed out by the Learned Government Advocate appearing for the Respondents that a second Writ Petition in respect of the same land acquisition cannot be maintained, Learned Counsel for the Petitioners seeks permission of this Court to withdraw the Writ Petition reserving the right of the Petitioners to invoke the benefits under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and work out their remedies in that regard. He has also made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn. It is clarified that the Petitioner is not precluded from working out his rights under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, if he is otherwise eligible for the same. It is also hastened to add here that no view has been expressed by this Court on the correctness or entitlement of the claim made by the Petitioners in that regard. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (C.S.VI)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to
Government of Tamil Nadu
Adi Dravidar and Tribal Welfare Department
Secretariat, Fort St. George
Chennai - 600 009.
2. The Director of Adi Dravidar Welfare
Directorate of Adi Dravidar Welfare
Chepauk, Chennai - 600 005.
3. The District Collector
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4. The Special Tahsildar
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Udayarpalyam
Ariyalur District - 621 804.

+1 cc to M/s.S.D.S.Philip, Advocate Sr.No. 13359
+1 cc to The Government Pleader Sr.No. 14216

AKM/05.03.2020/3P- 6C /

W.P. No. 3710 of 2020

सत्यमेव जयते

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