

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.6395 of 2020

and

W.M.P No.7551 of 2020

K.Gajendran

...Petitioner

vs.

1. The District Collector,
Salem District.

2. The Revenue Divisional Officer,
Salem District,
Salem.

3. The Special Tahsildar (ADW)
Attur,
Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of declaration, to declare that the acquisition proceedings initiated by the respondents in respect of the agricultural land in Survey No.214/2, 3 and 4 of Aniyampatti Village, Gangavalli Taluk, Salem District in pursuant to the Notifications of the 1st respondent in ROC No.34768/98 (D-3) dated 22.03.1999, as published in Salem District Gazette dated 25.03.1999 is lapsed in view of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. सत्यमेव जयते

For Petitioner : Mr.G.Ilamurugu

For Respondents : Mr.D.Raja
Additional Government Pleader

O R D E R

This writ petition has been filed for declaration to declare the acquisition proceedings initiated by the respondents as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation

and Resettlement Act, 2013.

2.It is seen from records that the father of the writ petitioner initially challenged the acquisition proceedings by filing W.P.No.17195 of 1999 and the writ petition was withdrawn on 17.09.2001 and accordingly the same was dismissed. It is also seen from records that the compensation that was fixed for the property was also deposited in Civil Court and it was not withdrawn. The petitioner, thereafter, filed W.P.No.34163 of 2013 challenging the same acquisition proceedings and the writ petition was dismissed by an order dated 18.12.2013. As against the same, the petitioner filed W.A.No.4003 of 2019 and the Division Bench of this Court, by an order dated 30.01.2020, dismissed the writ appeal.

3.The present petition has again be filed by the petitioner for a similar relief by giving it a different colour as if the acquisition proceedings have lapsed.

4.In the considered view of this Court, the petitioner is involving in a clear abuse of process of Court and he is wasting the time of this Court time and again. The ground that has been taken by the petitioner in the present writ petition was very much available when the earlier writ appeal was dealt with by the Division Bench. The petitioner conveniently did not urge this ground and has filed the present writ petition on a different ground for the very same relief. It is clear that the petitioner wants to keep the proceedings alive, for an acquisition which had taken place in the year 1999 under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978.

5.In view of the above, this writ petition is dismissed by imposing a cost of Rs.25,000/- on the petitioner and the petitioner is directed to deposit the same, within a period of four weeks from the date of receipt of copy of this order, to the account of Chief Justice Relief Fund. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

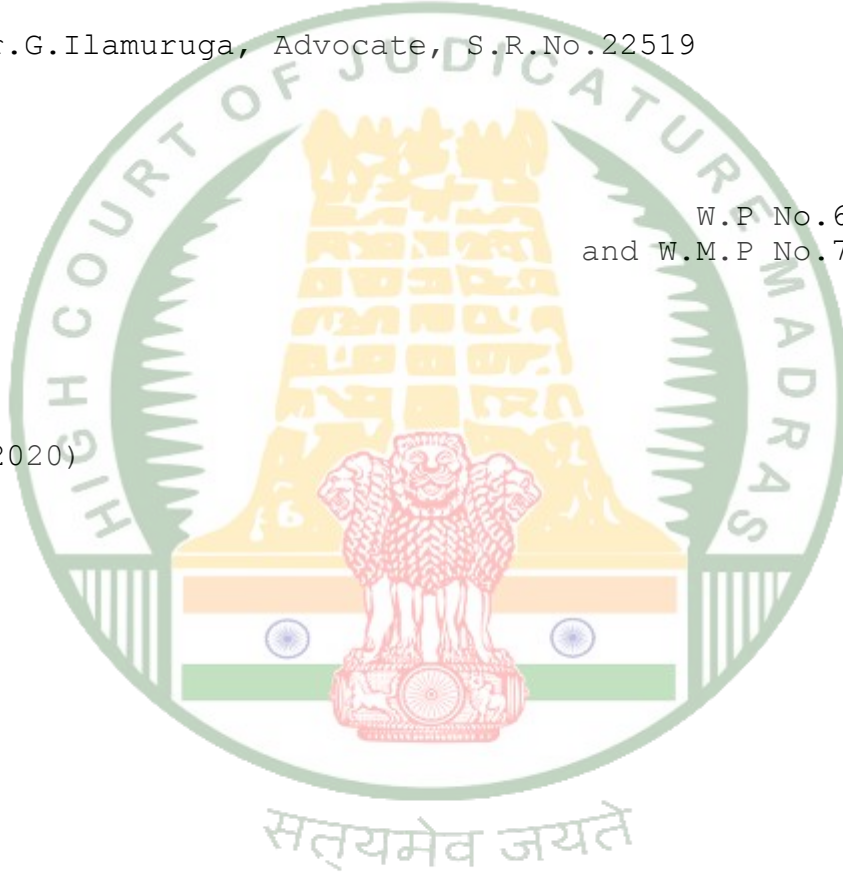
To

1. The District Collector,
Salem District.
2. The Revenue Divisional Officer,
Salem District,
Salem.
3. The Special Tahsildar (ADW)
Attur,
Salem District.

+1cc to Mr.G.Ilamuruga, Advocate, S.R.No.22519

W.P.No.6395 of 2020
and W.M.P No.7551 of 2020

BR(CO)
RN(27/05/2020)



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