

In the High Court of Judicature at Madras

Dated : 24.2.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.9375 of 2014 & MP.No.2 of 2014

1.A.Vasanth
2.A.Elangiyam
3.A.S.Kanniga
4.A.Valli
5.A.Gnanamurugan
6.A.Elumalai
7.A.ManikandanPetitioners

Vs

1.The District Collector, Tiruvannamalai
District, Tiruvannamalai.
2.The Tahsildar, District Harijan
Welfare Department (Housing
Scheme), Tiruvannamalai.
3.The Special Tahsildar, Adi-Dravidar
Welfare Department, Vandavasi,
Tiruvannamalai District.Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorari to call for the
entire records relating to Na.Ka. K1/38213/2000 dated 18.10.2000
published in Tiruvannamalai District Gazette in District Gazette
No.61 dated 27.10.2000 passed by the 1st respondent and quash
the same in so far as the petitioners are concerned.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.M.Elumalai, GA

ORDER

I have heard Mr.C.Prakasam, learned counsel for the
petitioners and Mr.M.Elumalai, learned Government Advocate
appearing for the respondents.

2. In this writ petition, the petitioners have challenged the land acquisition proceedings stating that the entire proceedings stood lapsed in terms of Section 24(2) of the Central Act 30 of 2013.

3. The learned counsel for the petitioners submits that the Hon'ble Supreme Court entertained appeals filed by the State against the common judgment in W.P.No.21323 of 2015 etc. cases dated 03.7.2019 passed by the Hon'ble Division Bench of this Court and while granting stay dated 27.9.2019, the Hon'ble Supreme Court directed that the High Court should not proceed with the hearing of any writ petition pending before it concerning the subject matter considered vide impugned judgment. Therefore, it is submitted that the above writ petition may be adjourned.

4. Per contra, Mr.M.Elumalai, learned Government Advocate submits that an identical submission was considered for its correctness by the Hon'ble First Bench of this Court in the case of A.Rani Vs. State of Tamil Nadu & Others [W.P.No.25222 of 2018 dated 08.1.2020] and was rejected, however, making it clear that the dismissal of the writ petition is without prejudice to the rights of the petitioner to approach the appropriate forum for redressal.

5. The relevant portions in the decision in the case of A.Rani read as follows :

"4. Subsequent to the issuance of notice, the State Government of Tamil Nadu has brought out The Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019. By virtue of this Act, the acquisitions made under Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978; Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the Tamil Nadu Highways Act, 2001 have been validated retrospectively from 26.09.2013. The subsequent developments, after filing of the instant writ petition, render the instant writ petition infructuous.

5. The further contention of the petitioner that award was passed in 2001 and the State Government has neither deposited the compensation into the Court, nor has taken possession of the land and therefore, the acquisition is deemed to have been lapsed under Section 24(2) of the the Right to Fair Compensation and Transparency in land

Acquisition Rehabilitation and Resettlement (Tamil Nadu Amendment Act), 2014 cannot be adjudicated upon in the instant writ petition because there is no prayer for the same.

6. In view of the above, the writ petition is dismissed as infructuous without prejudice to the rights of the petitioner to approach appropriate forum for redressal."

6. In the instant case, the petitioners have not challenged the provisions of the State Act. Therefore, the petitioners cannot take any umbrage under the interim order granted by the Hon'ble Supreme Court dated 27.9.2019. That apart, as noted by the Hon'ble First Bench of this Court, the State of Tamil Nadu has brought out the Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019 and by virtue of this Act, the acquisition made under various Enactments have been validated retrospectively from 26.9.2013.

7. Thus, following the said decision of the Hon'ble First Bench of this Court in the case of A.Rani, this writ petition is dismissed as infructuous, which shall be without prejudice to the rights of the petitioners to approach appropriate forum for redressal. No costs. Consequently, the connected WMP is also dismissed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

RS
To

1.The District Collector, Tiruvannamalai District,
Tiruvannamalai.

2.The Tahsildar, District Harijan Welfare Department (Housing
Scheme),
Tiruvannamalai.

3.The Special Tahsildar, Adi-Dravidar Welfare Department,
Vandavasi,
Tiruvannamalai District.

WP.No.9375 of 2014
and MP.No.2 of 2014

VSN II (CO)
GMY (25/02/2020)