



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.Nos.1522 & 1523 of 2018
and C.M.P.Nos.12269 to 12271 of 2018

1. The Government of Tamil Nadu
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai - 09.
2. The Special Tahsildar (Land Acquisition),
Tamil Nadu Housing Board Scheme,
Aringer Anna Shopping Complex,
7th Avenue, Thirumangalam,
Chennai - 600 101.

.. Appellants

in both writ appeals/Respondent in W.Ps

Vs

P.Seshadri ..Respondent in W.A.No.1522/18/Petitioner in W.P

P.Jagannathan ..Respondent in W.A.No.1523/18/Petitioner in W.P

Appeals filed under Clause 15 of Letters Patent against the order dated 08.09.2006 made in W.P.Nos.9751 and 9752 of 1999.

Prayer in W.P.Nos.9751 & 9752/1999:

Petitions filed under Article 226 of the Constitution of India praying for the issuance of writ of Certiorari calling for the records of the respondents relating to section 4(1) Notification in G.O.Ms.No.978 Housing and Urban Development Department dated 17.08.1990 and published in part-II section-2 of Tamil Nadu Government Gazette dated 05.09.1990 and Section-6 Declaration in G.O.Ms.No.1306 Housing and Urban Development Department dated 28.09.1991 published in Tamil Nadu Government Gazette dated 28.09.1991 and quash the same in so far as the relate to the property of the petitioners in plot No.7 in S.No.321/8, and Plot No.35, in S.No.322/1 respectively, Keel Kattalai Village, Saidapet Taluk, Chengalpet District.



For Appellants : Mr.D.Ravichander,
Government Counsel in both cases

For Respondents : Mr.Kandhan Duraisami
in both cases

WEB COPY

COMMON JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

The present appeals have been preferred against the order of the learned single Judge, who quashed the acquisition proceedings on the ground of non-compliance of Rule 3(b) of The Tamil Nadu Land Acquisition Rules and the declaration having been passed beyond one year. While doing so, the earlier order passed by this Court has been taken into consideration.

2.When the matter is taken up for hearing, it is brought to the notice of this Court that as against the earlier orders, writ appeals are filed and dismissed in W.A.SR.Nos.31300 and 41516 of 2011 dated 19.07.2019, wherein this Court has held as follows:

4.It is fairly contended by the learned counsel appearing for the Housing Board that the lands in respect of which the land acquisition proceedings were quashed were not taken over by the Tamil Nadu Housing Board and they are in possession of the respondents. Mr.J.R.K.Bhavanantham, learned counsel appearing for the aforesaid respondents would submit that approved lay out has been obtained for the said lands and various parties have purchased the lands and they are enjoying the properties.

5.In view of the long delay in filing the appeals, third parties rights got accrued and they have developed properties. Moreover, in similar circumstances, this Court in W.A.SR.No.9270 of 2011 and M.P.No.1 of 2011 in W.A.SR. No.9270 of 2011 by order dated 29.04.2013 dismissed the condonation delay petition taken out by the Tamil Nadu Housing Board regarding the same scheme. Therefore, there is no justifiable reason to condone the delay in filing the above appeals. Accordingly, the petitions are dismissed.

3.The aforesaid order has become final. In such view of the matter, the issue is no longer res integra as the very same Notification has already been quashed. We may also note that these appeals have been taken up and numbered in the year 2018 after condoning the delay in filing the appeals against the order passed by the learned single Judge in the year 2006 and therefore, much water has flown under the bridge even otherwise.



4. In view of the above, these writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mmi/ssm

To

1. The Secretary,
Government of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Chennai - 09.
2. The Special Tahsildar (Land Acquisition),
Tamil Nadu Housing Board Scheme,
Aringer Anna Shopping Complex,
7th Avenue, Thirumangalam
Chennai - 600 101.

+1 CC to The Government Pleader sr 36587
+2 CC to M/s. Muthumani Doraisamy, Advocate sr 36306.

W.A.Nos.1522 & 1523 of 2018

SJ(CO)
SP(25/08/2021)