

W.M.P.No.11016 of 2021
in
W.P.No.10563 of 2013

R. SURESH KUMAR, J.

In this miscellaneous petition, the petitioner has sought for amendment of the prayer. Originally, the following prayer was sought for :

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ of Certiorari or any other appropriate writ or order or direction, in the nature of writ, calling for the records in relation to the notification issued under Section 4(1) of the Land Acquisition Act, 1984 in G.O.Ms.No.495, dated 14.11.1996 (Housing & Urban Development Department) and the declaration made under Section 6 of the Land Acquisition Act in G.O.Ms.No.442, dated 23.12.1997 (Housing & Urban Development Department) by the first respondent under the Land Acquisition Act, 1894 and quash the same in respect of the lands belonging to the petitioner, comprised in S.F.Nos.8/2A, 8/2C and 9/2A situated at Vellakinaru village, Coimbatore."

2. Now as per the amendment, the following prayer is sought for:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ of Certiorari or any other appropriate writ or order or direction, in the nature of writ, calling for the records in relation to the notification issued under Section 4(1) of the Land Acquisition Act, 1984 in G.O.Ms.No.495, dated 14.11.1996 (Housing & Urban Development Department) and the declaration made under Section 6 of the Land Acquisition Act in G.O.Ms.No.442, dated 23.12.1997 (Housing Urban Development) by the first respondent and the Draft Award in Award No.2/1999, dated 31.12.1999 passed by the second respondent under the Land Acquisition Act, 1894, quash the same in respect of the lands belonging to the petitioner, comprised in S.F.Nos.8/2A, 8/2C and 9/2A situated at Vellakinaru village, Coimbatore."

3. Heard Mr.P.S.Raman, learned Senior Counsel for Mr.R.N.Amarnath, learned counsel, appearing for the petitioner, Mr.M.Elumalai, learned Additional

Government Pleader appearing for respondents 1 and 2 and Dr.R.Gouri, learned Standing Counsel appearing for the third respondent.

4. Since the prayer sought for herein is only an amendment to challenge the award itself, as submitted by the learned Senior Counsel appearing for the petitioner, unless such a challenge is made with regard to the award, cumulatively the issue raised in this writ petition cannot be effectively adjudicated. Therefore, this Court feels that, the amendment can be allowed. Accordingly, this petition is allowed.

5. The Registry is directed to carry out the amendment and post the writ petition for hearing on 14.06.2021.

6. In the meanwhile, let the respondents file counter affidavit in the main writ petition even with regard to the amended prayer also.

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