



WMP.Nos.12338 & 12343 of 2020 in  
WP.No.3640 of 2001

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**G.K.ILANTHIRAIYAN, J.**

These miscellaneous petitions have been filed to amend the prayer to calling for the records of the first respondent pertaining to the notification issued under Section 4 (1) of the Act, 1894 notified in the gazatte on 20.03.1991 and the declaration made under Section 6 of Act, 1894 notified in the Gazatte on 28.05.1992 and the award proceedings in Award No.2/94 dated 23.05.1994 of the second respondent in respect of the lands measuring an extent of acre 3.03 cents comprised in SF.No.411/1 and 411/2 in Vilankurichi Village, Coimbatore North and quash the same; and to permit the petitioner to file additional affidavit with additional grounds.

2. Originally, writ petition was filed challenging the notification issued under Section 4(1) of the Land Acquisition Act, 1894 notified in Gazatte on 20.03.1991 and the declaration under Section 6 of the said Act notified in the Government Gazattee on 28.05.1992 and the writ petition was dismissed and review application was also dismissed by this Court. The petitioner filed appeal and in the writ appeal in WA.No.3887 of 2019, the Hon'ble Division Bench of this Court was pleased to allow the appeal by order dated 22.07.2020 and remitted back to this Court and also directed this Court to decide the matter afresh on the basis of whatever material is placed before this Court independently. While pending the writ petition, the petitioner filed petitions to amend the prayer and to raise additional grounds. Insofar as the amendment is concerned, now the petitioner has sought to challenge the Award No.2 of 1994 dated 23.05.1994 passed in pursuant to the declaration made under Section 6 of the said Act dated

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28.05.1992 in respect of the property to an extent of 3.03 cents comprised in SF.Nos.411/1 and 411/2 situated at Vilankurichi Village, Coimbatore including the grounds that the petitioner has not been paid compensation and the possession of the subject property has not been taken till today and as such the entire acquisition proceedings have lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Considering the above, both the petitions are allowed and the additional grounds raised by the petitioner are taken into account to consider the amended prayer in the above writ petition.

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Note: Registry is directed to make necessary amendment in the cause title in the above writ petition.

28.10.2021  
(1/2)

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