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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

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

W.A.No.832 of 2020
C.M.P.No.10561 of 2020

P.Anandavalli (died)
Vetharethinam (died)

...Petitioners 1 & 2

1.P.Dhanusu
2.Indrani
3.Kalaiselvi
4.Bhuvaneswari
5.Muthukumar
6.Padma

...Petitioner/Appellant

... Appellants/Third party

(Cause title accepted vide order
dated 21.09.2020 made in C.M.P.
No.9816 of 2020 in W.A.SR.No.58334
of 2020)

Vs

1. State of Tamil Nadu
rep. by its Secretary to Government,
Ministry of Adi Dravidar Welfare,
Fort St. George, Chennai - 9.
2. The District Collector,
Nagapattinam District,
Nagapattinam.
3. The Special Tahsildar
(Land Acquisition Officer),
Adi Dravidar Welfare Department,
Sirkazhi, Nagapattinam District.

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the
order dated 09.03.2020 made in W.P.No.21253 of 2004.



W.P.No.21253 of 2004:

Petition filed Under Article 226 of the Constitution of India praying for issuance of writ of certiorari to call for the entire records pertaining to the proceedings of the 2nd Respondent in Na.Ka.No.26259/98.K.6 dated 15.09.1998 published in District Gazette Notification 14 dated 28.09.1998 and quash the same.

For Appellants : Mr.R.Subramanian
For Respondents : Mr.D.Ravichander,
Addl. Govt. Pleader

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

This appeal has been preferred by the appellants laying a challenge to the order of the learned single Judge, who while repelling the challenge made to the proceedings initiated for acquisition, has held that both on merit and on delay and laches, the relief sought for cannot be granted.

2.The acquisition proceedings were initiated way back in the year 1998 for providing house sites to the landless poor Adi Dravidars in the locality. The first writ petitioner (since deceased) sent an objection on 02.06.1998, which was considered. Thereafter, a proposal was sent to the District Collector on 31.08.1998, which was accorded by the Government by passing Government Order. A proposal in Form II was sent to the District Collector followed by publication in the official gazette. This was put to challenge before the learned single Judge.

3.An award enquiry was conducted by the Special Tahsildar (ADW) on 09.03.1999. Though notice was received, the land owners sent reply on 09.03.1999 stating that the land acquired is unfit for house sites and therefore acquisition proceedings has to be dropped. The Special Tahsildar (ADW) passed an award on 23.03.1999 fixing the compensation. A final order under Form V was sent to the land owners followed by notice dated 30.03.1999 asking them to receive the compensation.

4.The first writ petitioner (since deceased) and the other appellants filed a suit in O.S.No.37 of 1999 on the file of the District Munsif Court, Sirkazhi, challenging the acquisition proceedings. The suit was dismissed for non-prosecution on 19.02.2001. After dismissal of the suit, a notice was once



again sent on 08.10.2001 asking them to receive the compensation followed by reminder dated 26.11.2001. On their refusal, the amount was deposited in the Revenue Account vide challan No.345 dated 18.01.2002. Thereafter, house site pattas were issued to the eligible Adi Dravidars after following the due process of law. Thereafter, the writ petition in W.P.No.21253 of 2004 has been filed. The learned single judge has held that the award having passed in Award No.7 dated 22.03.1999, the writ petition as filed is not maintainable challenging the acquisition proceedings in the light of the judgment rendered by the two Division Benches and the law laid down by the Constitutional Bench of the Apex Court. Incidentally, it has been held that even the suits have been filed after the acquisition proceedings reaching the stage of passing an award.

5.On merit, the learned single Judge held and that too, after perusing the original records that the first writ petitioner (since deceased) and her husband were aware of the acquisition proceedings. Form III notice was returned with an endorsement that the husband of the first writ petitioner will receive it only after consulting with an advocate. The lands were divided into plots and 35 beneficiaries were selected and pattas were also issued.

6.The learned counsel appearing for the appellants submitted that the procedure has not been followed even in the initial stage at the time of calling for objections. The said contention cannot be countenanced for more than one reason. A reply was given, which was also considered and the subsequent developments were known to the husband of the first writ petitioner (since deceased) apart from her. The facts as recorded and taken note of by the learned single judge speak for themselves. Thus, we do not find any merit in this appeal especially on the ground of delay and laches as the third party rights have been set up.

7.With the above observation, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

raa/mmi



To

1. The Secretary to Government,
Ministry of Adi Dravidar Welfare,
Fort St. George, Chennai - 9.
2. The District Collector,
Nagapattinam District, Nagapattinam.
3. The Special Tahsildar
(Land Acquisition Officer),
Adi Dravidar Welfare Department,
Sirkazhi, Nagapattinam District.

+1cc to Mr.R. Subramanian, Advocate, S.R.No.28754
+1cc to the Government Pleader, S.R.No.29186

W.A.No.832 of 2020

RLD(CO)
PM(16/07/2021)