



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.12600 of 1985

1. R. Palaniswamy
2. R. Aruchami
3. Marudakkal

.... Petitioners

Versus

1. The State of Tamil Nadu
represented by its Commissioner and
Secretary to the Govt.,
Housing & Urban Development
Department,
Fort Saint George,
Madras - 9.
2. The Special Tahsildar,
Land Acquisition - Housing
Scheme I
Coimbatore - 18.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari calling for the records of the 1st respondent in G.O. Ms. No.819, dated 17.08.1982 quash the same insofar it relates to the petitioner's land in Survey No.67/1, 67/2, 70/1 and 70/4 in Vadavalli Village, Coimbatore Taluk, Coimbatore District.

For Petitioners : Mr.T.R.Rajagopalan

For Respondents : Mr.G. Krishna Raja,
Addl. Govt. Pleader

ORDER

Petitioners have come up with this writ petition to quash the G.O. Ms.No.819, dated 17.08.1982 issued by the 1st respondent as the lands in survey Nos.67/1, 67/2, 70/1 and 70/4 in Vadavalli Village, Coimbatore Taluk and District.

Brief facts leading to filing of this writ petition are as follows :



2. The lands in Survey Nos.67/1A, 67/2A, 80/1 and 70/4 in Vadavalli Village, Coimbatore Taluk belong to the petitioners and they developed the said area for construction of building sites. While so, the 1st respondent issued Section 4(1) notification vide G.O. Ms.No.819, Housing & Urban Development Department, dated 17.08.1982 for acquisition of lands to an extent of 59.99 acres in the said village. Thereafter, objections were raised and in the meanwhile, the 1st respondent issued Declaration under Section 6 of the Act vide G.O. Ms. No.942, dated 23.08.1985. Aggrieved over the said notification, this writ petition has been filed by the petitioners to quash the said G.O. Ms. No.819, dated 17.08.1982.

3. Learned counsel appearing for the petitioners submits that the subject lands belonging to the petitioners have been acquired and without considering the objections raised, acquisition proceedings have been finalised, which is contrary to the provisions of the Land Acquisition Act and the rules and hence, he prays this Court to quash the said G.O.

4. Mr.G. Krishna Raja, learned Additional Government Pleader vehemently opposes the contention raised by the learned counsel for the petitioners and submitted that the acquisition proceedings have been issued by following due procedure contemplated under the law. He further submitted that without challenging the 6 declaration, the petitioners have filed this writ petition, which is unsustainable and hence, he prays for dismissal of this writ petition.

5. This Court bestowed its best attention to contentions advanced by the learned counsel on either side and perused the materials available on record.

6. On a perusal of materials placed before this Court, it is not in dispute that the lands belonging to the petitioners have been acquired under the Land Acquisition Act. Admittedly, objections were raised by the purchasers for issuance of 4(1) notification under the Land Acquisition Act, 1804. It is to be noted that the said 4(1) notification vide G.O. Ms. No.819, Housing & Urban Development Department has been issued on 17.08.1982 by the 1st respondent, whereas Declaration under Section 6 of the Act vide G.O. Ms. No.942, was issued on 23.08.1985, and effected publication in Gazette on 26.08.1985. That being so, it is clear that the petitioners without challenging the declaration issued u/s 6 of the Act, have directly challenged the notification issued under Section 4(1) of the Act, that too after the declaration has been effected in the Government gazette on 03.12.1985. Having slept over the matter for more than three years knocking the doors of this



Court belatedly to quash the said G.O. Ms. No.819 is wholly unjustified and impermissible and therefore, that too without challenging the declaration issued u/s 6 of the Act and, therefore, no interference is warranted with the impugned G.O. passed by the 1st respondent.

7. For the reasons aforesaid, this writ petition is devoid of merits and, accordingly, the same is dismissed. However, liberty is granted to the petitioners to work out the remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The Commissioner and
Secretary to the Govt.,
State of Tamil Nadu
Housing & Urban Development
Department,
Fort Saint George,
Madras - 9.

2.The Special Tahsildar,
Land Acquisition - Housing
Scheme I
Coimbatore.

+1cc to Government Pleader SR.No.9873

W.P. No.12600 of 1985

NK(CO)
GMY(10/03/2022)