



WEB COPY



W.P. Nos.12316/94 & 11394/95

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.03.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS. 12316 OF 1994 & 11394 OF 1995

K.C.Ramasami

.. Petitioner in WP 12316/94

1. Minor Anandakumar

2. Minor S.Jayanthi

(rep. by mother Smt. Rajeswari)

.. Petitioners in WP 11394/95

- Vs -

1. The State of Tamil Nadu
rep. by its Commissioner &
Secretary, Housing & Urban
Development Dept.
Fort St. George, Madras - 9.

2. The Special Tahsildar
Land Acquisition, Housing Scheme No.III
Coimbatore.

.. RR-1 & 2 in both petitions

3. The Executive Engineer &
Administrative Officer
Tamil Nadu Housing Board
Tatabad, Coimbatore.

.. R-3 in WP No.12316/94

W.P. No.12316 of 1994 filed under Article 226 of the Constitution of India

praying this Court to issue a writ of certiorari calling for the records relating to

G.O. Ms. No.367, Housing & Urban Development Department dated 15.03.1991



W.P. Nos.12316/94 & 11394/95

under Section 4 (1) of the Land Acquisition Act and G.O. Ms. No.261, Housing & Urban Development Department dated 25.5.1992 u/s 6 of the Land Acquisition Act, quash the same in respect of the lands bearing Survey No.204/3 and 205/3 measuring to an extent of 6 Cents 22 Sq.ft. in Vilankuruchi Village, Coimbatore North Taluk, Coimbatore.

W.P. No.11394 of 1995 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records of respondents 1 and 2 and quash the notification made in G.O. Ms. No.192, Housing & Urban Development Department dated 25.02.1994 and also further call for the records relating to Section 6 Declaration made in G.O. Ms. No.586, Housing & Urban Development Department dated 27.6.1995, quash the same insofar as the lands of the petitioners are concerned situate in S.F. No.311/1 and 2 Part in No.12, Kalapatti Village, Coimbatore North Taluk, Coimbatore.

For Petitioners	: Mr. V.Sanjeevi in WP 12316/94 No Appearance in WP 11394/1995
For Respondent	: Mr. Yogesh Kannadasan, Spl. GP for RR-1 & 2 in WP 12316/94 Mr. P.Sathish, AGP for RR-1 & 2 in WP 11394/1995 Dr. R.Gowri for R-3 in WP 11394/95

COMMON ORDER

The present petitions have questioned the acquisition, sought to be made



W.P. Nos.12316/94 & 11394/95

by issuance of Notification u/s 4 (1) and the Declaration u/s 6 of the Land Acquisition Act, 1894 (for short 'the Act').

2. When the matter is taken up for hearing, learned counsel for the petitioners as also the learned Special Government Pleader appearing for respondents 1 and 2 as well as the learned standing counsel appearing for the 3rd respondent fairly submitted that the issue raised in this writ petition is already covered by the order passed by this Court in W.P. Nos.12212/94, etc., Batch, vide order dated 03.03.2022, in and by which this Court had allowed the writ petitions therein and, therefore, similar orders may be passed in the present petitions as well.

3. This Court, vide order dated 03.03.2022 in W.P. No.12212/94, etc., Batch, held that it is mandatory for the requisitioning body to obtain prior approval of the Government, prior to issuance of Section 4 (1) Notification and in the absence of any approval by the Government, the whole acquisition proceedings, initiated by the acquisitioning body would stand vitiated. In the absence of compliance with the mandatory condition, viz., Section 3 (f) (vi), this Court has quashed the acquisition proceedings and allowed the petitions. The



W.P. Nos.12316/94 & 11394/95

present petitions being on the same footing and pertain to the same acquisition process also deserve to be allowed.

4. For the reasons aforesaid, these writ petitions are allowed in terms of the order passed in W.P. No.12212/94, etc., Batch, dated 03.03.2022. There shall be no order as to costs.

03.03.2022

Index : Yes/No

Internet : Yes/No

GLN

To

1. The Commissioner &
Secretary, Housing & Urban
Development Dept.
Government of Tamil Nadu
Fort St. George, Madras - 9.
2. The Special Tahsildar
Land Acquisition, Housing Scheme No.III
Coimbatore.
3. The Executive Engineer &
Administrative Officer
Tamil Nadu Housing Board
Tatabad, Coimbatore.



WEB COPY



W.P. Nos.12316/94 & 11394/95

M.DHANDAPANI, J.

GLN

W.P. NOS.12316/94 & 11394/95

03.03.2022