



W.P.No.22200 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.22200 of 2013

and

M.P.No.1 of 2013

M.Subramanian

. . . Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep by the Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-9.
2. The district Collector,
Salem.
3. The Revenue Divisional Officer,
Attur.
4. The Land Acquisition Officer,
Special Tahsildar (Adi-Dravidar Welfare)
Attur,
Salem District.
5. The Tahsildar,
Attur Taluk,
Salem District.



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6. S.Palanivel

7.S.Sundaram

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the Acquisition of Land comprised in Survey No.335/7, Mulluvadi Billage, Attur Town and Taluk, Salem District, in ward A, Block 21 and Town Survey No.69, within the limit of Attur Municipality, made by the Respondents 2 & 4 under private negotiation, for Harijan Welfare Scheme and the Sale Deed dt.30.01.1996 registered as Document Nos.163/1996 and 164/1996 on the file of SRO, Attur, executed by the Respondents 9 & 10 respectively in favour of the 1st Respondent in respect of the above said property, as null & void and illegal, consequently direct the Respondents 1 to 5 to restore the above said property in the name of the petitioner within a reasonable time to be fixed by this Hon'ble court.

For Petitioner : Mr. N.Naganathan

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader for R1 to R5



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ORDER

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The present petition has been filed seeking to declare the Acquisition proceedings in respect of the subject property of this writ Petition as null and void and to consequently direct the respondents 1 to 5 to restore the above said property in the name of the petitioner within a reasonable time that may be stipulated by this Court.

2. It is the case of the petitioner that the subject property of this Writ Petition, was originally purchased by one Pavaayi Ammal from one Arunthava Ammal vide the sale deed dated 17.12.1959 and said Pavaayi had executed a Power of Attorney in respect of one Gurusamy. As the General Power of Attorney, said Gurusamy had formed housing plots in the said property and sold it to various purchasers including the petitioner. Having purchased the above said property from Gurusamy, vide the sale deed dated 20.06.1982 for a valuable sale consideration, the petitioner has become the absolute owner of the property and he is in possession and enjoyment of the same. Subsequently, respondents 6 to 8 who are the legal heirs of said Pavaayi Ammal, have sold her properties including the subject property of



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this Writ Petition, to respondents 9 and 10, vide the registered sale deeds dated 22.12.1995 & 26.12.1995. Pursuant to the Land Acquisition made by private negotiation between respondents 2 & 4, the said lands including the subject properties, were given in favour of the 1st Respondent vide the sale deed dated 30.01.1996,. Aggrieved by the same, the petitioner has come up with the present petition.

3. Learned counsel for the petitioner submits that though it is alleged that the said lands were acquired, however, the petitioner, who is the absolute owner of the property, was not issued with any notice with regard to the Acquisition, which clearly reveals that the procedure contemplated under the Act has not been followed during the Acquisition. Therefore, it is necessary and just to declare the proceedings of the alleged acquisition as null and void and this Writ Petition may be allowed.

4. On the above contentions, this Court, heard the learned Additional Government Pleader appearing for R1 to R5 and perused the materials available on record.



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5. It is borne out by the materials available on record that, after a private negotiation between the Government and the land owners of the subject property, the compensation amount was fixed towards the said acquisition in the year 1996 and after payment of the said compensation, the acquired lands were taken physical possession. In view of the Acquisition proceedings being concluded in the year 1996 which is almost a couple of decades ago, claim of the petitioner with regard to declaration of Acquisition Proceedings as null and void cannot be sustained. Further, this Writ Petition seems to have been filed before this Court after a lapse of almost two decades from the date of Acquisition and therefore this Writ Petition suffers the vice of delay. Hence, the prayer sought for in this Writ Petition cannot be granted and this Writ Petition is liable to be dismissed.

6. For the reasons aforestated, this Writ Petition is devoid on merits and the same is accordingly dismissed. No Costs. Consequently, the Miscellaneous Petition is closed

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M.DHANDAPANI, J.

NHS

To

1. The Secretary to Government,
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2. The district Collector,
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3. The Revenue Divisional Officer,
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