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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5183 of 2011

and

W.M.P.Nos.2 & 3 of 2011

1. Ammayee Ammal (died) ...1st Petitioner
2. M.Selvaraj
3. M.Harikrishnan
4. M.Neela (since died)
5. M.Susila
6. M.Lakshmi (since died)
7. M.Saradha ...Petitioners 2 to 7

(P2-7 substituted vide order dated 15.04.2014 in M.P.No.2 of 2014 in W.P.No.5183 of 2011.)

8. V.Viswalingam
9. V.Manikandan
10. V.Vetrivelan
11. V.Twenkliyammal
12. S.Revathi
13. J.Malarvizhi ...Petitioners 8 to 13

(P8-13 substituted vide order dated 26.08.2019 in W.M.P.No.24479 of 2019 in W.P.No.5183 of 2011.)

Vs.

1. State of Tamil Nadu
Rep by its Secretary,
Housing and Urban Development,
Fort St. George, Madras-600 009.
2. The Special Tahsildar,
Land Acquisition, Unit II,
Tamil Nadu Housing Board Schemes,
Nandanam, Chennai-600 035. ...Respondents



3. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
K.K.Nagar Division, Ashok Nagar Shopping Complex,
Chennai-600 083.

...3rd Respondent

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(R3 substituted vide order dated 15.04.2014 in M.P.No.1 of 2014 in W.P.No.5183 of 2011.)

4. Elumalai
5. Sheela Jospin
6. E.Bharathiraja
7. E.Divakar
8. E.Muthukumar
9. E.Ganesh
10. E.Thiyagarajan
11. E.Sivakumar

...Respondents 4 to 11

(R4-11 substituted as LR's of 4th Petitioner vide order dated 26.08.2019 in W.M.P.No.24487 of 2019 in W.P.No.5183 of 2011.)

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 1st respondent pertaining to the issue of Notification under Section 4(1) of the Land Acquisition Act in G.O.Ms.826, Housing and Urban Development (LA-I) dated 15.05.78 published in the Government Gazette on 07.06.1978 and the Declaration under Section 6 of the Land Acquisition Act made in G.O.Ms.No389 Housing and Urban Development dated 06.06.1981 published in the Government Gazette on 06.06.1981 insofar as the petitioner's lands are concerned in S.No.250/3C measuring 0.04 Acres in Tambaram Village, Saidapet Taluk in Old Chengalpet District now in Kancheepuram District and quash the same.

For Petitioners : M/s.M.S.Subramanian

For Respondents : Mr.V.Veluchamy, AGP, for R1 and R2
Mr.Baskar, for TNHB

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent pertaining to the issue of Notification under Section 4(1) of the Land Acquisition Act in G.O.Ms.826, Housing and Urban Development (LA-I) dated 15.05.78 and the Declaration under Section 6 of the Land Acquisition Act made in G.O.Ms.No.389 Housing and Urban Development dated 06.06.1981 insofar as the petitioner's lands are concerned in S.No.250/3C measuring 0.04 Acres in Tambaram Village, Saidapet Taluk in Old Chengalpet District now in Kancheepuram District and quash the same.



2. The case of the petitioner is that, her husband was the owner of the property comprised in S.No.250/3C, measuring an extent of 0.04 Acres. Whiles, the said land was acquired for Tambaram Housing Scheme under Section 4(1) of the Land Acquisition Act in G.O.Ms.No.826, Housing and Urban Development (LA-I) dated 15.05.1978. and the Declaration under Section 6 of the Land Acquisition Act was made in G.O.Ms.No.389 Housing And Urban Development dated 06.06.1981. Hence, challenging the above said notifications, the present Writ petition is filed.

3. The learned counsel for the petitioners submitted that, the very same notifications were challenged before this Court in W.P.Nos.4754 & 4755 of 1998 by the brothers of the petitioner's husband and this Court, vide order dated 24.01.2002 and 15.06.2009 respectively, quashed the acquisition proceedings in respect of the lands of the petitioner's husband's brothers, on the ground that, the Section 6 Declaration was notified beyond a period of one year. He further submitted that, as against the several Writ petitions, questioning the said acquisition proceedings, Writ Appeals have been filed before this Court in W.A.Nos.214 to 225 of 1984 and the same were dismissed, as there were no valid publication of the substance of the notification in the locality, which order has been consistently followed by this Court. Hence, he prayed for appropriate orders by giving the benefit of the earlier orders to the petitioner.

4. The learned counsel appearing on behalf of the TamilNadu Housing Board has not disputed the submissions made by the learned counsel for the petitioner.

5. Heard the arguments advanced by the learned counsel on either side and perused the materials available on record.

6. In view of the fair submission of the learned counsel on either side, as the very same land acquisition proceeding was challenged before this Court, and the same was quashed and the subsequent Writ Appeals filed were also dismissed and the same order was followed in various cases, this Court is inclined to extend the very same benefit to the present Writ petition.

7. Accordingly, this Writ Petition is allowed, following the order passed in W.P.Nos.4754 & 4755 of 1998, which have been confirmed in appeal. No cost. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar



To

- +1cc to Mr.M.S.Subramanian, Advocate SR. No. 17670

GPL (CO)
PR (20/04/2022)