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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 28336 of 2013
and
M.P.Nos.1 & 2 of 2013

1.J.Anbazhagan

2.Raajendiran

...Petitioners

Vs.

1. The Secretary to Government,
Adi Dravida Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 9.

2. The District Collector,
Vellore District,
Vellore - 9.

3. The Special Tahsildar,
Adi Dravida Welfare Department,
Taluk Office Compound, Rountana,
Vellore.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the entire records in pursuant to notice in G.O. (Ms).No.778 Dept. of SC/ST Welfare dated 18.05.1989 and quash the same.

For Petitioners : Mr.T.P.Prabakaran

For Respondents : Mr.A.Selvendran
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the acquisition proceedings initiated under the Land Acquisition Act, 1894.



2.The petitioners have come up before this Court with a specific plea that they are the co-owners of the property comprised in Survey No.78/3B and only during August 2013, they came to know that their lands were acquired. According to the petitioners, no notice was issued to them at the time of acquiring their lands and they came to know about the acquisition proceedings only during August 2013. Hence, the petitioners have challenged the acquisition proceedings initiated in the year 1989 in this Writ Petition.

3.The 3rd respondent has filed a counter affidavit. The 3rd respondent has provided the particulars regarding the notice that was issued and published under Section 4(1) and 6 of the Land Acquisition Act 1894. It is seen from the counter affidavit that Form-3 notice was published calling for enquiry under Section 5A of the Act. Notice was also served on the land owners. That apart, the Writ Petitioners had participated in the award enquiry that was held in the year 1990. Since they refused to receive the compensation, it was deposited before the concerned Court under Section 31 of the Act. The 3rd respondent has therefore, sought for dismissal of the Writ Petition on the ground that the petitioners have approached this Court without providing the correct details.

4.Heard Mr.T.P.Prabakaran, learned counsel appearing for the petitioners and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents.

5.The very basis of filing the present Writ Petition was that the petitioners came to know about the acquisition only during August 2013. However, the counter affidavit filed by the 3rd respondent clearly shows that the petitioners had attended award enquiry on 30.07.1990. There is no other material put forth before this Court to contradict the specific stand taken by the 3rd respondent in the counter affidavit. This shows that the stand taken by the petitioners as if they came to know about the acquisition proceedings only during August 2013 is completely false.

6.This Court is satisfied with the details provided with the counter affidavit filed by the 3rd respondent and it is seen that the land owners were very much aware about the acquisition proceedings during the relevant point of time but they have not challenged the acquisition proceedings and the petitioners have approached this Court with an exorbitant delay and filed the Writ Petition in the year 2013.



7.The Writ Petition lacks merits and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:-

1. The Secretary to Government,
Adi Dravida Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 9.
2. The District Collector,
Vellore District,
Vellore - 9.
3. The Special Tahsildar,
Adi Dravida Welfare Department,
Taluk Office Compound, Rountana,
Vellore.

+lcc to Mr.T.P.Prabakaran, Advocate, S.R.No.32284
+lcc to the Government Pleader, S.R.No.32536

W.P.No. 28336 of 2013
and M.P.Nos.1 & 2 of 2013

GPL(CO)
CT/20/06/2022