



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM :

WEB COPY

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.721 of 2022

K.Gajendran

...Appellant/Petitioner

Vs.

1. The District Collector
Salem District.
2. The Revenue Divisional Officer
Salem District.
3. The Special Tahsildar (ADW)
Attur
Salem District.

...Respondents/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 12.03.2020 in W.P.No.6395 of 2020.

Prayer in W.P.No.6395 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of declaration, to declare that the acquisition proceedings initiated by the respondents in respect of the agricultural land in survey No.214/2 3 and 4 of Aniyampatti Village Gangavalli Taluk Salem District in pursuant to the Notifications of the 1st Respondent in ROC No.34768/98(D-3) dated 22.03.1999 as published in Salem District Gazette dated 25.03.1999 is lapsed in view of section 24(2) of the Right To Fair Compensation And Transparency In land Acquisition Rehabilitation And Resettlement Act 2013.

For Appellant	:	Mr.G.Ilamurugu
For Respondents	:	Mr.K.M.D.Muhilan Government Advocate for respondents 1 to 3



JUDGMENT
(Delivered by the Hon'ble Chief Justice)

The writ appeal has been filed against the order dated 12.03.2020, whereby, the writ petition preferred by the appellant was dismissed with cost of Rs.25,000/-, finding it to be nothing but gross abuse of the process of Court.

2.Learned Single Judge took note of the event under which the land of the petitioner's father was acquired. The challenge to acquisition was made by maintaining W.P.No.17195 of 1999, which was withdrawn on 17.09.2001. The appellant thereupon filed another writ petition in W.P.No.34163 of 2013 challenging the same acquisition proceedings. The said writ petition was dismissed by order dated 18.12.2013. As against the said order, the appellant filed an appeal in W.A.No.4003 of 2020 which was dismissed by order dated 30.01.2020.

3.The appellant again preferred a writ petition in the year 2020 to challenge the acquisition with the aid of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, without justifying the delay and otherwise, the challenge to the acquisition was made third time.

4.Finding it to be a gross abuse of the process of Court and the writ petition was filed despite no cause under Section 24(2) of the Act of 2013, it has been dismissed with cost of Rs.25,000/-. Learned counsel for the appellant prays for relaxing the cost.

5.We do not find any ground to accept the prayer, rather, for the abuse of process of Court. Accordingly, we do not find any reason to cause interference in the order of the learned Single Judge. The writ appeal fails and is accordingly, dismissed. Consequently, CMP.Nos.4985 and 4986 of 2022 are also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kpl/drm

To

1. The District Collector
Salem District.



2. The Revenue Divisional Officer
Salem District.

3. The Special Tahsildar (ADW)
Attur, Salem District.

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+1cc to M/s.G.Ilamurugu, Advocate, S.R.No.20846

+1cc to the Government Pleader, S.R.No.20667

W.A.No.721 of 2022

RSI (CO)

RGA(04/04/2022)