



WEB COPY



W.P.No.33782 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.33782 of 2015

and

M.P.No.1 of 2015

C.Amrnath,
Rep by his power of attorney,
A.Anandhan

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai – 9.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 8.

3.The Special Tahsildar,
Land Acquisition Cell-I,
Egmore, Chennai – 8.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent relating to the notification in G.O.Ms.248, Housing and Urban Development (UD III) dated 09.03.1994 issued under Sec.4(1) of the Land Acquisition Act 1894 and quash the same as illegal and declared that the above land acquisition proceeding is lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013), in so far as the petitioner's land is in Manjambakkam Village, Survey No.141/2, New Survey No.141/2A



W.P.No.33782 of 2015

measuring 0.05.0 hectare and 141/2 b measuring 0.02.5 hectare in toto 18 ½ cents (8066) sq.feet.

For Petitioner : Mr.S.Packiaraj
For R1 & R3 : Mr.U.Bharanidhaaran,
Additional Government Pleader
For R2 : Mrs.P.Veena Suresh,
Standing Counsel

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent relating to the notification in G.O.Ms.248, Housing and Urban Development (UD III) dated 09.03.1994 issued under Section 4(1) of the Land Acquisition Act 1894 and quash the same as illegal and declared that the above land acquisition proceeding is lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) (in short, "the Act, 2013"), in so far as the petitioner's land is in Manjambakkam Village, Survey No.141/2, New Survey No.141/2A measuring 0.50.0 hectare and 141/2 b measuring 0.02.5 hectare in toto 18 ½ cents (8066) sq. ft.

2. The case of the petitioner is that, on 15.07.1994, the petitioner purchased the house site measuring an extent of 18 ½ cents in aforesaid survey numbers, situated at Manjambakkam Village, from S.Subbiah, vide

Doc.No.2456 of 1994 on the file of Sub Registrar, Redhills. Subsequent to



W.P.No.33782 of 2015

the purchase of the aforesaid properties, the petitioner is in continuous possession and the Revenue Records was mutated in his name. While so, the petitioner came to know from the second respondent's representative that the Government had acquired the aforesaid properties for constructing Truck Terminal in the site. The first respondent have issued G.O.Ms.248 Housing and Urban Development (UDIII) dated 09.03.1994 under Section 4(1) of the Land Acquisition Act to acquire certain lands in Manjambakkam Village for Land Assembly and Development Scheme. Section 4(1) notification under the Land Acquisition Act 1894 was issued on 06.04.1994. The grievance of the petitioner is that, Section 4(1) notification ought to have been published in two daily newspapers, one in vernacular language with wide circulation. However, the notification seems to have been published in "Kumari Murasu" and "Adhistam" on 15.06.1994 and the substance of the same was published in the locality on 30.06.1994. Challenging the said notification, one of the petitioner's neighbour filed a Writ Petition before this Court in W.P.No.13815 of 1995, and this Court vide order dated 25.07.2002, allowed the said Writ Petition, on the ground that the paper publications relating to Section 4(1) notification in Tamil Dailies namely "Kumari Murasu" and "Adhistam" do not have wide circulation as held by the Division Bench of this Court in the case of *V.Krishnan Vs. Government of Tamil Nadu, 2001*



W.P.No.33782 of 2015

(4) **CTC 108.** Challenging the order of learned Single Judge, the first respondent/State of Tamil Nadu, filed Writ Appeal before this Court in W.A.No.3629 of 2004, and the same was dismissed on 03.11.2004. In order to avail such benefit, the petitioner filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that, though the petitioner has challenged the Section 4(1) by seeking consequential relief to avail the benefit of Section 24(2) of the Act, 2013, the petitioner is not interested to pursue the matter under Section 24(2) of the Act, 2013. However, he submitted that he seeks direction of this Court to extend the benefit of the Division Bench order to the petitioner.

4. On the above contentions heard the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

5. On a perusal of the counter affidavit, it reveals that Section 4(1) of the Land Acquisition Act was published in "Kumari Murasu" and "Adhistam" and the very same issue came up for consideration before the Division Bench Order of this Court in Writ Appeal No.3629 of 2004,



W.P.No.33782 of 2015

wherein this Court held as follows:

WEB COPY

"2. In the present case, the learned single judge found that the Tamil daily namely, Adhirstam and Kumari murasu do not have wide circulation. This fact was not disputed before us.

3. In view of the above factual finding of the learned single judge that the notification under section 4(1) of the said Act was not published in the news papers having wide circulation as held by the Division bench of this Court in the case of V.Krishnan Vs. Government of Tamil Nadu, 2001 (4) CTC 108 we do not find reason to interfere with the order of the learned single judge."

6. In view of the above decision, the publications effected in "Kumari Murasu" and "Adhistam" having no wide circulation in the locality, applying the ratio laid down in W.A.No.3629 of 2004, this Writ Petition is allowed and the notification under Section 4(1) of the Land Acquisition Act is set aside. No costs. Consequently, the connected miscellaneous petition is closed.

11.10.2022

Index : Yes / No
Speaking order: Yes/ No
jd



W.P.No.33782 of 2015

To
WEB COPY

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai – 9.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 8.
- 3.The Tahsildar,
Land Acquisition Cell-I,
Egmore, Chennai – 8.



WEB COPY



W.P.No.33782 of 2015

M.DHANDAPANI, J.

jd

W.P.No.33782 of 2015
and
M.P.No.1 of 2015

11.10.2022