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W.P.No.22064 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.22064 of 2016
and W.M.P.Nos.18855 & 18856 of 2016**

M.K.Loganathan

...Petitioner

Versus

1.State of Tamilnadu,
Represented by the Commissioner,
Government Social Welfare Department,
Chennai – 600 009.

2.Collector,
Collector Office,
Thiruvallur District.

3.The Special Tahsildar,
Office of the Special Tahsildar,
Thiruthani,
Chengalpattu District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records on the file of the respondents relating to Section 4(1) Notification under the Land Acquisition Act 1894 in G.O.Ms.No.325 Social Welfare dated 31.01.1984 published in the Tamil Nadu Government Gazette dated 07.02.1984 and Section 6(1) Declaration under the Land Acquisition Act 1894 in



G.O.Ms.No.298 Social Welfare dated 12.02.1985 published on 20.02.1985 respectively in S.No.88/2B measuring Acre 0.81 cents, S.No.88/2E Acre 0.70 Cents measuring in all Acre 1.51 Cents in Kollatur Village, Pallipattu Taluk, earlier Chengalpattu District now called as Thiruvallur District by virtue of Section 24(2) of the Right of Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) and to quash the same.

For Petitioner	:	Mr.David Tyagaraj
For Respondents – 1 & 2	:	Mr.D.Ravichander, Special Govt. Pleader

ORDER

The relief sought in this writ petition is to call for the records on the file of the respondents relating to Section 4(1) Notification under the Land Acquisition Act 1894 in G.O.Ms.No.325 Social Welfare dated 31.01.1984 published in the Tamil Nadu Government Gazette dated 07.02.1984 and Section 6(1) Declaration under the Land Acquisition Act 1894 in G.O.Ms.No.298 Social Welfare dated 12.02.1985 published on 20.02.1985 respectively, in S.No.88/2B measuring Acre 0.81 cents, S.No.88/2E Acre 0.70 Cents measuring in all Acre 1.51 Cents in Kollatur Village, Pallipattu Taluk, earlier Chengalpattu District now called as Thiruvallur District by virtue of Section 24(2) of the Right of Fair Compensation and Transparency



in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) and to quash the same.

2. The case of the petitioner is that he is the owner of the lands comprised in S.Nos.88/2B & 88/2E measuring to an extent of Acre 0.81 Cents and Acre 0.70 Cents respectively situated at Kollatur Village, Pallipattu, Thiruvallur District. The Patta of the said lands stands in his name since he is in possession and enjoyment of the said lands.

2.1. While so, pursuant to a Notification issued under Section 4(1) of the Land Acquisition Act 1894 (hereinafter referred to as 'LA Act') as amended and approved in G.O.Ms.No.325 Social Welfare dated 31.01.1984 was published in the Tamil Nadu Government Gazette dated 07.02.1984 and a Declaration issued under Section 6(1) of the LA Act as amended and approved in G.O.Ms.No.298 Social Welfare dated 12.02.1985 was published in the Tamil Nadu Government Gazette dated 20.02.1985, the petitioner's lands were subjected to acquisition for implementing house sites for Adi Dravidars. Challenging the said notification as well as declaration, the petitioner has filed a writ petition in W.P.No.3204 of 1985, however, the



same was dismissed by this Court. Aggrieved over the dismissal of said writ petition, the petitioner preferred a writ appeal, but, that too came to be dismissed.

2.2. Even after the publication of above notification and declaration, the respondents were not implemented the said scheme for which the petitioner's lands were proposed to be acquired and the compensation for the said lands was also not yet given to the petitioner. Till date, the petitioner's lands which were proposed to be acquired for providing house sites Adi Dravidars are lying vacant. Since the petitioner is in apprehension that the said lands have been acquired by the respondents, he is not able to utilize the same properly. Therefore, left with no other alternative, the petitioner has filed the present writ petition before this Court, for the relief stated *supra*.

3. The learned counsel for the petitioner submitted that during the pendency of this writ petition, the petitioner has passed away on 26.01.2022. Therefore, the learned counsel prayed that appropriate direction may be issued to the respondents to pay the compensation for petitioner's acquired lands along with interest to the legal heirs of the deceased petitioner as per



terms of Section 34 of the LA Act, if not already paid, within a time frame as stipulated by this Court.

4. The learned Special Government Pleader appearing for the respondents submitted that the award was passed as early as in the year 1985, but, the petitioner has filed this writ petition after a lapse of three decades. He also drew the attention of this Court to the counter affidavit filed by the second respondent, wherein, it is stated that

(i) The third respondent has conducted the award enquiry on 27.03.1985, after serving notice to the petitioner as required under Section 9(i), a(3) & Section 10 of the LA Act and passed the award on 28.03.1985 in Award No.4/84-85.

(ii) As the land owners concerned did not come forward to receive the compensation amount awarded in Award No.4/84-85, the total compensation amount of Rs.38,754.40/- was deposited at the Sub-Treasury, Tiruttani on 30.03.1985 under Revenue Deposit Notice in Form No.9 under Section 12(2) of the said Act and Notice in Form No.10 were issued to the land owners on the very same date.



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5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. Considering the limited relief sought by the petitioner in this writ petition, this Court, without going into the merits of the case, directs the respondents to disburse the compensation amount along with interest to the legal heirs of the deceased petitioner as per Section 34 of the LA Act, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to state that while disbursing compensation to the legal heirs of the deceased petitioner, the respondents shall exclude the pendency period of this writ petition i.e., 20.06.2016 to 16.09.2022, for the purpose of limitation.

7. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16.09.2022

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

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2.District Collector,
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M.DHANDAPANI, J.



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