



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5612 of 2016

Shree Sathyanaarayana Company,
A Partnership Firm represented
by one of the partner,
G.Vijayakumar

...Petitioners

Vs.

1. State of Tamil Nadu,
Rep. By its Secretary to Government
Housing & Urban Development Department,
Fort St.George, Chennai-600 009.
2. The Land Acquisition Officer and
Special Tahsildar (L.A.),
Housing Scheme Unit-II,
Coimbatore-641 018.
3. The Tamil Nadu Housing Board,
Rep. By its Chairman &
Managing Director,
Anna Salai, Nandhanam,
Chennai-600035.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records of the respondents herein in respect of Section 4(1) notification under Land Acquisition Act, 1894 vide G.O.Ms.No.501, Housing and Urban Development (L.A.2) (2) dated 25.11.1996 insofar as it relates to S.F.No.362/1 now subdivided S.F.No.362/1B as per proceedings of the Tahsildar, Coimbatore North, dated 14.08.2013 to the extent of 0.41.0 hectares (1 acre 2 cents) and in S.F.No.363/1, to the extent of 0.50.0 hectares (1 acre 23 cents) in Kalapatti Village, Coimbatore North Taluk, Coimbatore District and the 6 Declaration under the Land Acquisition Act, 1894 vide G.O.Ms.No.441 (Housing & Urban Development Department) dated 23.12.1997, published in Tamil Nadu Government Gazette Extraordinary No.634 Part II, Section 2 dated 24.12.1997 as it so far relates to S.F.No.362/1 now sub divided S.F.No.362/1B as per proceedings of the Tahsildar, Coimbatore North, S.D.R.1433/13 dated 14.08.2013 to the extent of 0.41.0 hectares (1 acre 2 cents) and in S.F.No.363/1, to the extent of



0.50.0 hectares (1 acre 23 cents) in Kalapatti Village, Coimbatore North Taluk, Coimbatore District and the Award passed by the Land Acquisition Officer and Special Tahsildar (L.A.), Housing Scheme Unit -II, Coimbatore-641 010, award 1 of 2000 L.A.No.LA 212/89 dated 05.01.2000, as it relates to S.F.No.362/1 now subdivided S.F.No.362/1B as per proceedings of the Tahsildar, Coimbatore North, dated 14.08.2013 to the extent of 0.41.0 hectares (1 acre 2 cents) and in S.F.No.363/1, to the extent of 0.50.0 hectares (1 acre 23 cents) in Kalapatti Village, Coimbatore North Taluk, Coimbatore District and quash the same by applying Section 24(2) of "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013", which came into effect from 01.01.2014 with a consequential direction to the respondents herein to issue 'No Objection Certificate' to the petitioner in respect of the petitioner's lands.

For Petitioner : Mr.C.V.Vijayakumar
For Respondents R1 & R2 : Mr.M.Muthusamy,
Government Advocate
For Respondent R3 : Dr.R.Gowri

O R D E R

The petitioner has filed this writ petition seeking quashment of the impugned proceedings initiated by the respondents and consequential direction to the respondents to issue 'No Objection Certificate' to the petitioner in respect of the petitioner's lands.

2.The case of the petitioner is that the petitioner/firm purchased the property in S.F.No.362/1 and S.F.No.363/1 of an extent of 2.25 acres by way of sale deed dated 05.08.1996 from one G.Bagyalakshmi, who originally purchased said property from one Uma @ Umarani. Thereafter, the mutations of Revenue Records took place in the name of the petitioner as well as the subdivision of the lands were effected as S.F.No.362/1A and S.F.No.362/1B by proceedings of the Tahsildar, Coimbatore North, dated 14.08.2013. While that being so, the respondents initiated Land Acquisition Proceedings for Kalapatty Neighbourhood Scheme by issuing notification under Section 4(1) of the Land Acquisition Act dated 25.11.1996 and declaration under Section 6 of the Act dated 23.12.1997 and the award was passed on 05.01.2000 in the name of said Uma @ Umarani. Since the petitioner/firm owned the property in the year 1996, no notice served on the petitioner/firm while passing the award. Challenging, the same, this Writ Petition has been filed.



3.The learned counsel for the petitioner submitted that the disputed land was owned by the petitioner through a registered sale deed dated 05.08.1996 and thereafter, the respondents initiated land acquisition proceedings for Kalapatty Neighbourhood Scheme by issuing the Notification under Section 4(1) and declaration under Section 6 and the award was also passed on 05.01.2000 in the name of one Uma @ Umarani, who sold the property to the petitioner's vendor. Questioning the acquisition proceedings, one Usha @ Ushadevi filed a Writ Petition in W.P.No.10933 of 2000 and the same was allowed by way of common order dated 30.08.2010, quashing the acquisition proceedings of the respondents in respect of the disputed land. Aggrieved by the same, the respondents filed Writ Appeals before the Division Bench of this Court and the same was dismissed on 14.09.2011. It is further submitted that, on enquiry, the petitioner came to know that the award money neither deposited into the Jurisdictional Court while the Land Acquisition Act was in force, nor any attempt had been taken to take possession of the land of the petitioner till the said Act was replaced by the new Act, "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" which came into force on 01.01.2014. Hence, he prays for allowing the Writ Petition.

4.In view of the above contention, this Court perused the counter affidavit filed by the respondents and heard the contentions of the learned counsel appearing for the respondents.

5.On a perusal of the materials available on record it reveals that the physical possession of the disputed property still vest with the petitioner/firm. Further, this Court perused the earlier Writ Petition in W.P.No.16417 of 1998 filed by the aggrieved persons on the land acquisition proceedings, in which, this Court, by its order dated 30.08.2010, has quashed the impugned proceedings of the respondents by allowing the Writ Petition.

6.Following the said order passed by the learned Single Judge of this Court, this Court extends the very same benefit to the petitioner/firm as well. Accordingly, the impugned proceedings of the respondents stand quashed and the Writ Petition is allowed. No Costs.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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To

1. The Secretary to Government
State of Tamil Nadu,
Housing & Urban Development Department,
Fort St.George, Chennai-600 009.

2. The Land Acquisition Officer and
Special Tahsildar (L.A.),
Housing Scheme Unit-II,
Coimbatore-641 018.

3. The Chairman & Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandhanam,
Chennai-600035.

+1cc to the Government Pleader, S.R.No.13057

W.P.No.5612 of 2016

NRJK(CO)
RGA(23/03/2022)