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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 20.12.2021

Pronounced on : 05.01.2022

CORAM :

The Hon'ble Mr. Justice PARESH UPADHYAY
and

The Hon'ble Mr. Justice SATHI KUMAR SUKUMARA KURUP

W.A.Nos.3055 to 3057 of 2021
with C.M.P. Nos. 21089 to 21091 of 2021

1.All India Anna Dravida Munnetra Kazhagam
Rep., by C.Ve Shanmugam,
Villupuram District Secretary,
Having Office at No.226,
Avvai Shanmugam Salai,
Royapettah, Chennai-600 014.

2.C.Ve.Shanmugam
S/o Venugopal,
No.1, Bajanai Kovil Street,
Avayakuppam,
Villupuram-604 302.

.. Appellants in
all Writ Appeals/Third Party

vs

1.J.Deepak
Old No.9, New No.13, Sivagnanam Street,
T.Nagar, Chennai-600 017.

2.The Secretary to Government,
Government of Tamil Nadu,
Tamil Nadu Development and Information Department,
Fort St. George, Chennai-600 009.

3.The District Collector,
Chennai Collectorate,
Singaravelan Maligai,
62, Rajaji Salai,
Chennai-600 001.

4.The Land Acquisition Officer-cum-
Revenue Divisional Officer,
South Chennai Revenue Division,
Guindy, Chennai-600 032.



5.The Tahsildar,
Mylapore Taluk,
Mylapore, Chennai-600 004.

6.Puratchi Thalaivi Dr.J.Jayalalithaa Memorial
Foundation,
Rep., by its Chairman,
St. George Fort,
Chennai-600 009.

.. Respondents in
W.A.No.3055 of 2021/
Writ Petitioner/ Respondents 1 to 5

1.J.Deepak,
Old No.9, New No.13, Sivagnanam Street,
T.Nagar, Chennai-600 017.

2.The Secretary to Government,
Government of Tamil Nadu,
Tamil Nadu Development and
Information Department,
Fort St. George, Chennai-600 009.

3.The District Collector,
Chennai Collectorate,
Singaravelan Maligai,
62, Rajaji Salai,
Chennai-600 001.

4.The Land Acquisition Officer-cum-
Revenue Divisional Officer,
South Chennai Revenue Division,
Guindy, Chennai-600 032.

5.The Tahsildar,
Mylapore Taluk,
Mylapore, Chennai-600 004

.. Respondents in
W.A.No.3056 of 2021/
Writ Petitioner/ Respondents 1 to 5

1.Deepa Jayakumar,
D/o.Late J.Jayakumar,
W/o.K.Madhavan,
New.No.13, Old No.9, Sivagnanam Street,
Thiyagraaya Nagar,
Chennai - 600 017.

2.The Chief Secretary to Government,
State Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-600 009.



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3.The Secretary to Government,
Revenue Department,
State Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-600 009.

4.The Secretary to Government,
Public Works Department,
State Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-600 009.

5.The District Collector,
Chennai District,
4th Floor, Singaravelar Maligai,
62, Rajaji Salai, Chennai-600 001.

6.The Land Acquisition Officer-cum-
Revenue Divisional Officer,
South Chennai Revenue Division,
Guindy, Chennai-600 032.

7.The Deputy Commissioner of Income Tax,
Central Circle-II(2),
New No.46, Old No.108, Mahatma Gandhi Road,
Nungambakkam, Chennai-34.

.. Respondents in
W.A.No.3057 of 2021/Writ
Petitioner/ Respondents 1 to 6

Writ Appeals preferred under Clause 15 of Letters
Patent against the common order dated 24.11.2021 in
W.P.Nos.1708 of 2021, W.P.Nos.9285 of 2020 and 10135 of
2020.

Prayer in W.P.Nos.1708 of 2021:

Writ Petition filed Under Article 226 of the
Constitution of India, to issue a Writ of Certiorarified
Mandamus calling for the records of impugned land
acquisition proceedings initiated on the basis of G.O.
No.180 dated 05.10.2017 of the 1st Respondent and
Subsequent Preliminary Notice No.A1/ /3476/ 2018 Form -IV
dated 04.05.2020, and Public Notices in RC.A1/3476/
2018 dated 19.05.2020 under the provisions of RFCTLARR
Act/Rules by the Respondents 2 and 3 and quash the same
as the same is Perverse, arbitrary, biased,
illegal, untenable, smacks of malafide and colourable
exercise of powers and consequently direct the
Respondents to consider the petitioners objections dated
29.12.2018, 06.07.2019, 07.05.2020, 01.06.2020 and
01.07.2020 thereby to drop the entire land acquisition
proceedings from converting the residential house "Veda
Nilayam" bearing Old No.36, New Door No.79, Present Door
No.81, Poes Garden, Chennai 600 086 into a memorial.



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Prayer in W.P.No.10135 of 2021:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus Call for the entire records pertaining to the land acquisition proceedings initiated pursuant to the GO No. 180, dated 5/10/2017 followed by the preliminary notice No. A1/3476/2018, dated 25/06/2019, Notice A1/3496/2018, dated 28/06/2019 the declaration under Section 19, dated 4/5/2020 and the Award passed by the 5th respondent in Award No.01/2020 in RC.No.A1/3476/2018 in dated 22/07/2020 quash the same and consequently direct the possession of Veda Nilayam along with movable to the Petitioner.(WA.NO.3057/2021)

Prayer in W.P.Nos.1708 of 2021:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent and quash the impugned Award No. 01/2020 made in R.C.No.A1/ 3476/ 2018 dated 22.07.2020 on the file of the 3rd Respondent as the same is perverse, arbitrary , biased, illegal, untenable, smacks of malafide and colourable exercise of power and consequentially cancel the entire land Acquisition proceedings from converting the Residential House Veda Nilayam into a Memorial and further direct the respondents to handover the possession of the house bearing Old Door No. 36,present Door No. 81 Veda Nilayam Poes Garden, Chennai- 600 086.

For Appellants : Mr.A.L.Somayaji,
Senior Advocate for Mr.S.L.Sundarasanam
for Mr.K.Gowthamkumar
(in all writ appeals)

For Respondents : Mr.AR.L.Sundaresan,
Senior Advocate
for Mr.S.L.Sudarsanam
for original writ petitioner
(Deepak) R1(WA.3055,3056/21)
Mr.Satish Parasaran,
Senior Advocate
for Mr.R.Parthasarathy
for original writ petitioner
(Deepa) R1(WA.No.3057/202

For State : Mr.Shunmuga Sundaram
Advocate-General
assisted by
Mr.P.Muthukumar,
Government Pleader
for RR2 to 5 in
(WA.3055,3056/21) &
RR2 to 6 in (WA.3077of 2021)



COMMON JUDGMENT

(Per : PARESH UPADHYAY, J.)

1. All India Anna Dravida Munnetra Kazhagam (AIADMK) and one Mr. C.Ve.Shanmugam - who has introduced himself as a former Law Minister of the State of Tamil Nadu and member of Tamil Nadu Legislative Assembly for four terms representing AIADMK, are the appellants in these three intra-court writ appeals, challenging the common judgement and order of this Court dated 24.11.2021 in three writ petitions being W.P.Nos. 9285 & 10135 of 2020 and W.P.No.1708 of 2021.

2. By the impugned judgement, learned Single Judge of this Court has set aside the acquisition of 'Veda Nilayam' [a private residential property in Chennai; wherein late Dr. J.Jayalalithaa lived] by the State of Tamil Nadu, for being converted into a memorial in the name of Dr.J.Jayalalithaa. The said acquisition was under 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' (for short - 'RFCTLARR Act of 2013' or 'The Act of 2013'). The impugned judgement holds inter alia that, the acquisition in question was illegal on more than one counts:- firstly, that procedurally it was illegal, and secondly - more importantly holding that the said acquisition could not be said to be for any 'public purpose', as defined under the Act of 2013.

3. All India Anna Dravida Munnetra Kazhagam (AIADMK) can not be said - not to have locus to say something about the memorial in the name of Late Dr. J.Jayalalithaa. For that reason, inspite of contest on behalf of the original writ petitioners, leave to appeal was granted to it vide order dated 15.12.2021, inter-alia observing / recording therein that, the appellants need to explain as to why they did not approach this Court, when the writ petitions were being considered by learned Single Judge and why they have approached this Court, after the judgement is pronounced in the writ petitions. That explanation has come, which is noted in Para: 5.3 and the consequence thereof is noted in the later part of this judgement (Para: 11.2 and 11.3).

4. Heard Mr.A.L.Somayaji, learned Senior Advocate for the appellants, Mr.AR.L.Sundaresan, learned Senior Advocate and Mr.Sathish Parasaran, learned Senior Advocate for the contesting respondents - original writ petitioners and Mr.Shunmuga Sundaram, learned Advocate-General for the State Authorities.

5. Learned Senior Advocate for the appellants has made various submissions.



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5.1 On behalf of the appellants it is submitted that the acquisition in question was for 'public purpose' as defined under RFCTLARR Act of 2013, and further that procedurally also the same was legal. It is submitted that the impugned judgement is erroneous since the findings are recorded in absence of any pleadings or proof and further that many of the observations in the impugned judgement are unwarranted. Grievance is also made that the learned Single Judge substituted the satisfaction of the Government qua the necessity for the acquisition in question by applying wrong yardstick and that the function of the executive was assumed by this Court while deciding the writ petitions. By referring to the decision of the Division Bench of this Court dated 27.05.2020 recorded on O.S.A.No. 445 of 2018, it is submitted that the learned Single Judge sat in appeal over the said decision. Grievance is also made that there was no material on record to take cognizance of one memorial at Marina Beach. It is submitted by him that the impugned judgement and order of learned Single Judge interfering in the acquisition in question is unsustainable and needs to be interfered with in these appeals.

5.2 In support of the above submissions learned Senior Advocate for the appellants has placed reliance on the following decisions :-

- (i) State of Haryana vs State of Punjab reported in (2002) 2 SCC 507,
- (ii) Babu Barkya Thakur vs State of Bombay reported in AIR 1960 SC 1203,
- (iii) Kannaiyalal Maneklal Chinai vs State of Gujarat reported in (1969) 3 SCC 456,
- (iv) Ram Janam Singh vs State of U.P. And another reported in (1994) 2 SCC 622,
- (v) Daulat Singh Surana vs First Land Acquisition Collector reported in (2007) 1 SCC 641,
- (vi) Sooraram Pratap Reddy and others vs District Collector, Ranga Reddy District and others reported in (2008) 9 SCC 552,
- (vii) State of Madhya Pradesh vs Narmada Bachao Andolan and another reported in (2011) 7 SCC 639,
- (viii) Amanullah and another vs State of Bihar and others reported in (2016) 6 SCC 699,
- (ix) W.B. Central School Service Commission vs Abdul Halim reported in (2019) 18 SCC 39,



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- (x) V.N.Krishna Murthy and anr vs Ravikumar and others reported in (2020) 9 SCC 501,
- (xi) Srimathi K.Ponnalagu Ammani vs State of Madras and others reported in 66.L.W.136,
- (xii) P.Thambiran Padayachi v State of Madras reported in (1952) 65 LW 747,
- (xiii) T.N.Natarajan vs State of T.N. Reported in 2016 SCC OnLine Mad 49,
- (xiv) Arulmighu Vellai Vinayagar Kovil vs Mohammed Ismail and others [dated 29.06.2021 in W.A.(MD)No. 1717 of 2018],
- (xv) The Province of Bombay vs Western India Automobile Association and others reported in 1949 ILR (Bombay) 591,
- (xvi) Annarao Baloba Gaikwad vs Solapur Municipal Corporation reported in 2004 SCC OnLine Bom 251,
- (xvii) Executive Officer, Sri Padmanabha Swamy Temple vs Raghavan Pillai and another reported in 1960 SCC Online Ker 158,
- (xviii) Shivaraya vs. Siddamma and another reported in 1962 ILR (MYSORE) 497, and
- (xix) Special Land Acquisition Officer, KIADB, Bangalore and another vs State of Karnataka reported in ILR 2007 KAR 4891.

5.3 At this stage, reference needs to be made to the query raised by this Court, as noted in the order dated 15.12.2021 while granting leave to the appellants to file these appeals, as to why they did not approach this Court, when the writ petitions were being considered by learned Single Judge and why they have approached this Court, after the judgement is pronounced in the writ petitions. This query is replied on behalf of the appellants through learned Senior Advocate Mr. A.L.Somayaji by stating that, there was no occasion for AIADMK or any of its functionaries to approach this Court earlier since the Government was pursuing the matter properly at the relevant time, but now when the Government has decided not to file appeal against the impugned judgement and order of learned Single Judge, AIADMK and one of its functionaries have decided to challenge the order of learned Single Judge. This is noted as part of submission on behalf of the appellants.

5.4 On behalf of the appellants it is submitted that these appeals be allowed, the order of learned Single Judge be set aside and the writ petitions be dismissed.



6. Mr.AR.L.Sundaresan and Mr.Satish Parasaran, learned Senior Advocates have appeared on behalf of the contesting respondents in these appeals - original writ petitioners.

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6.1 On behalf of the original writ petitioners they have addressed the Court at length. While supporting the impugned judgement of learned Single Judge they have submitted that learned Single Judge, while setting aside the acquisition of the property of the writ petitioners can not be said to have fallen in any error which may call for any interference in these appeals. Attention of the Court is also invited to the pleadings on record qua the first memorial at Marina Beach in the name of Late Dr. J.Jayalalithaa.

6.2 While addressing this Court at length, learned Senior Advocates for the original writ petitioners have taken this Court through the provisions of 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' and the Rules made thereunder to contend that there was breach of procedure in the acquisition in question at more than one stages, with specific reference to the findings recorded by learned Single Judge in that regard.

6.3 The locus of the appellants to challenge the order of learned Single Judge is also questioned. It was also submitted that, on the question whether acquisition is required or not, though the Government can be said to be the best judge, it can not be accepted to be the sole judge. It is further submitted that on the death of Dr. J. Jayalalithaa, who was the owner of the property in question, the writ petitioners became the owners thereof - only the declaration in that regard came little later - that too for the reasons attributable to the Authorities of the Government, since it is the present appellant No. 1 which led the Government at the relevant time. While questioning the locus of the appellants, reference was also made to the pleadings to the effect that the acquisition in question was more for political benefits of the appellant(s) and not for any 'public purpose' known to law. It is submitted that these appeals be dismissed.

7. Learned Advocate-General has appeared on behalf of the State of Tamil Nadu and its Authorities - who were the contesting respondents in the writ petitions. His submissions are less as contest, more to make the stand of the State clear before this Court. It is submitted by him that, on the face of the finding of learned Single Judge that the acquisition proceedings in question was procedurally illegal, which is a matter of record, the State has decided not to pursue the matter further. It is



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also submitted by him that, it would not be open to the present appellant(s) to take recourse to the order of the Division Bench of this Court dated 27.05.2020 recorded on O.S.A.No.445 of 2018, since the suggestions made therein by the Division Bench of this Court were not accepted by the Government at the relevant time. By referring to the said order it is also submitted that res judicata would operate against the present appellant(s). It is submitted by him that, the State has accepted the judgement of learned Single Judge and accordingly the keys of the property in question are also handed over by the Collector to the writ petitioners, who are the owners of the said property.

8. Having heard learned advocates for the respective parties and having considered the material on record, this Court finds that the points at issue before this Court are (i) whether the impugned judgement can be said to be erroneous qua the finding that, procedurally, the acquisition in question was illegal, (ii) whether the said acquisition could be said to be for any 'public purpose' as defined under section 3 (za) read with sub-section (1) of Section 2 of the Act of 2013, and if yes, (iii) whether the 'appropriate Government' under the Act of 2013 can still be directed to continue with the said acquisition proceeding, by initiating and completing that exercise afresh, in due compliance of the procedure contemplated under the Act.

9.1 So far the first point with regard to procedural illegalities in the acquisition in question is concerned, learned Single Judge, on the basis of the material on record has arrived at the conclusion that there were procedural irregularities in the acquisition in question and therefore it is held to be illegal.

9.2 In these appeals, we do not find any substantial ground raised, much less pressed into service while hearing of these appeals as to how the above finding of learned Single Judge is contrary to record. We find substantial force in the submission of Mr.Satish Parasaran, learned Senior Advocate for one of the original writ petitioners (Deepa) that, in substance there is no challenge to that finding of learned Single Judge and on that count alone these appeals need to be dismissed. While recording this, we have independently examined the material on record qua the said finding and having done so, we find that though the acquisition was of one private residential property, the opposition by the owners of the said property was not even acknowledged, much less properly considered by the Authorities of the 'appropriate Government', which in the present case was the State Government. The State did not even accept the status of the writ petitioners to be



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the owners of the said property. Whether the writ petitioners were / are owners of the property in question or not, is not the point at issue before this Court now, since they are already held to be the owners of the property in question and that status has attained finality. At this stage, reference needs to be made to the decisions of the Division Bench of this Court recorded on O.P.No. 630 of 2018 and O.S.A.No. 445 of 2018 both dated 27.05.2020 and correction therein vide order dated 29.05.2020. With regard to procedural irregularities in the acquisition in question, specific reference needs to be made to the findings recorded by learned Single Judge in paras : 64, 65 and 69 of the impugned judgement, wherein it is recorded in detail, how there was breach of the Act of 2013 and Rules made thereunder.

9.3 For the above reasons, we are in agreement with the finding recorded in the impugned judgement that, the acquisition in question was procedurally illegal and we confirm the said part of the judgement.

10. Having held as above, let it now be examined, whether the acquisition in question could be said to be for any 'public purpose' as defined under section 3 (za) read with sub-section (1) of Section 2 of the Act of 2013, and if yes, whether the 'appropriate Government' under the Act of 2013 can still be directed to continue with the said acquisition proceeding, by initiating and completing that exercise afresh, in due compliance of the procedure contemplated under the Act.

10.1 As noted above, learned Senior Advocate for the appellants has addressed the Court at length about the 'public purpose' being achieved through the acquisition in question vis-a-vis the arguments by learned Senior Advocates for the original writ petitioners that the acquisition in question was more for 'political purpose' and no 'public purpose' as defined under the Act of 2013 was served.

10.2 To consider the above argument, reference needs to be made to the scope / ambit of the concept of 'public purpose' in the Land Acquisition Act of 1894 vis-a-vis that in The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Relevant part of the 'Statement of Objects and Reasons' for bringing the said Act of 2013, reads as under:-

"The Land Acquisition Act, 1894 is the general law relating to acquisition of land for public purposes and also for companies and for determining the amount of compensation to be made on account of



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"2. Application of Act.- (1) The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following purposes, namely:-

(a) for strategic purposes relating to naval, military, air force, and armed forces of the Union, including central paramilitary forces or any work vital to national security or defence of India or State police, safety of the people; or

(b) for infrastructure projects, which includes the following, namely:-

(i) all activities or items listed in the notification of the Government of India in the Department of Economic Affairs (Infrastructure Section) number 13/6/2009-INF, dated the 27th March, 2012, excluding private hospitals, private educational institutions and private hotels;

(ii) projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy, fisheries, and meat processing, set up or owned by the appropriate Government or by a farmers' cooperative or by an institution set up under a statute;

(iii) project for industrial corridors or mining activities, national investment and manufacturing zones, as designated in the National Manufacturing Policy;

(iv) project for water harvesting and water conservation structures, sanitation;

(v) project for Government administered, Government aided educational and research schemes or institutions;



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tourism, transportation or space programme;

(vii) any infrastructure facility as may be notified in this regard by the Central Government and after tabling of such notification in Parliament;

(c) project for project affected families;

(d) project for housing for such income groups, as may be specified from time to time by the appropriate Government;

(e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;

(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State."

10.4 On conjoint consideration of the above, what transpires is that, the legislature had thought it proper not to have that wide a definition of the word 'public purpose' as it stood in the Land Acquisition Act of 1894 for various reasons and therefore in the RFCTLARR Act of 2013 it is narrowed down and made precise, what 'public purpose' would mean. If the acquisition in question is examined, keeping in view the 'objects and reasons' and the definition of the 'public purpose' in the Act of 2013, in the facts of this case, we are unable to bring the acquisition of the property in question within four corners of 'public purpose' envisaged under Section 3 (za) of the Act of 2013 read with any of the clauses under sub-section (1) of Section 2 of the said Act.

11.1 Having held as above, it may not be required to examine whether the 'appropriate Government' still needs to be directed to continue with the said acquisition proceeding by initiating and completing that exercise afresh, in due compliance of the procedure contemplated under the Act of 2013. Still, even if it is examined, let it be seen, where does it lead to.



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11.2 For the above purpose, it first needs to be seen who seeks that direction from this Court, in these Appeals. As noted above, these Appeals are filed by AIADMK and one of its functionaries. At this stage, reference needs to be made to the query raised by this Court, as noted in the order dated 15.12.2021 while granting leave to the appellants to file these appeals, as to why they did not approach this Court when the writ petitions were being considered by learned Single Judge and why they have approached this Court after the judgement is pronounced in the writ petitions. This query is replied on behalf of the appellants, as noted in Para: 5.3 above, by stating that there was no occasion for AIADMK or any of its functionaries to approach this Court earlier since the Government was pursuing the matter properly at the relevant time but now when the Government has decided not to file appeal against the judgement and order of learned Single Judge, AIADMK and one of its functionaries have decided to challenge the order of learned Single Judge. This stand indicates that, at the relevant time AIADMK misconstrued itself as 'appropriate Government' which it was not. Further, this stand would reduce the status of AIADMK akin to 'Requiring Body' as defined under Section 3(zb) of the Act of 2013 qua the acquisition in question. The AIADMK which led the Government at the relevant time, desired to acquire 'Veda Nilayam' [a private residential property, wherein late Dr. J.Jayalalithaa lived] for being converted into a memorial in the name of Dr.J.Jayalalithaa. The power to do so was vested in the 'appropriate Government' as defined under section 3(e)(i) of the RFCTLARR Act of 2013. Since the AIADMK required the said property being acquired, for being converted into a memorial in the name of its leader Dr.J.Jayalalithaa, the Government led by that party exercised its powers as an 'appropriate Government' under the RFCTLARR Act of 2013.

11.3 The above would also lead to a situation where, the first appellant which is a political party, which by the very stand it has taken (as noted above) has reduced itself to the status akin to that of the 'Requiring Body' as defined under Section 3(zb) of the Act is heard contending that, 'public purpose' as defined under Section 3(za) read with section 2(1) of the RFCTLARR Act of 2013 would be served by acquiring a private residential property for being converted into a memorial, against the wish of the owners thereof, that too when the 'appropriate Government' under the Act is not willing to do so. According to us, it would be neither legal nor proper to give any such direction. In the writ appeals filed by third parties invoking Clause 15 of Letters Patent, request is made to this Court, in substance to issue mandamus to the 'appropriate Government', firstly



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to have satisfaction about the requirement of acquisition of a private residential property as contemplated under Section 11 of the Act, against the wish of the owners thereof, for being converted into a second memorial of a person, that too in absence of any 'public purpose' known to law. Giving such a direction would neither be legal nor proper.

12. The points at issue having been answered as above, in the facts of the case, according to us, other arguments pressed into service on behalf of the appellants would not take their case any further.

13. It is noted that, though number of authorities are cited on behalf of the appellants, none of the authorities would take the case of the appellants any further. This is so for the reason that, the points at issue in these appeals are as noted in para : 8 above and none of the authorities can be said to be relevant qua those issues. Further, if the findings recorded by this Court above, more particularly para : 9 to 11 are kept in view, no judgement would change the complexion of the matter. At this stage, specific reference needs to be made to the decision of the Supreme Court of India in the case of State of Haryana (supra) on which heavy reliance was placed by the learned Senior Advocate for the appellants. In the said case, the public purpose was irrigation. With the change of party in power, such purposes can not be permitted to be looked at differently. In the present case, the same is not the case. On facts, even that judgement would not take the case of the appellants any further.

14. For the reasons recorded above, these appeals are dismissed. No costs. C.M.Ps. would not survive and are disposed of accordingly.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

ssm

To :

1.The Chief Secretary to Government,
State Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Secretary to Government,
Revenue Department,
State Government of Tamil Nadu,
Secretariat, Fort St. George,



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Chennai-600 009.

3.The Secretary to Government,
Public Works Department,
State Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-600 009.

4.The Secretary to Government,
Government of Tamil Nadu,
Tamil Development and Information Department,
Fort St. George, Chennai-600 009.

5.The District Collector,
Chennai District,
4th Floor, Singaravelar Maligai,
62, Rajaji Salai, Chennai-600 001.

6.The Land Acquisition Officer-cum-
Revenue Divisional Officer,
South Chennai Revenue Division,
Guindy, Chennai-600 032.

7.The Tahsildar,
Mylapore Taluk, Mylapore, Chennai-600 004.

8.The Deputy Commissioner of Income Tax,
Central Circle-II(2),
New No.46, Old No.108,
Mahatma Gandhi Road,
Nungambakkam, Chennai-34.

+2 ccs to Mr.S.L.Sundarasanam, Advocate Sr.NO. 725,726
W.A.Nos. 3055 to 3057 of
2021

SR(CO)
A.SK(19.01.2022)