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WP.Nos.10211 of 1984 & 13423 of 1986

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.Nos.10211 of 1984 & 13423 of 1986

W.P.No.10211 of 1984

K.K.Nagar Housing Society, Salem
by its President Dr.V.Muthusami

.. Petitioner

Versus

1.The Chairman
Tamil Nadu Housing Board
Madras

2.The Special Tahsildar (LA)
Neighbourhood Scheme
Salem

3.State of Tamil Nadu
Represeted by the Commissioner
and Secretary to Government
Housing and Urban Development
Department, Madras – 9

.. Respondents

W.P.No.13423 of 1986

1.C.Kuppuraj
2.C.Rangaraj
3.C.Vasanth alias Vanaja
4.C.Revathi
5.C.Thilakam

.. Petitioners

Versus

1. The Government of Tamil Nadu
Represeted by the Commissioner
and Secretary to Government
Housing and Urban Development



WP.Nos.10211 of 1984 & 13423 of 1986

Department,
Fort St.George, Madras – 9

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2.The Executive Engineer and Administrative
Officer
Salem Housing Unit, Aiyatherumaligai Road
Salem – 8

3.The Special Tahsildar (Land Acquisition)
Jawan's Building, Fort Main Road
Salem

.. Respondents

Prayer in W.P.No.10211 of 1984: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the acquisition proceedings as declared under Sec.6 of the Land Acquisition Act by the 3rd respondent in G.O.Ms.No.449, Housing and Urban Development Department dated 12.06.1984 and quash the same insofar as it relates to the petitioner.

Prayer in W.P.No.13423 of 1986: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the acquisition proceedings as declared under Sec.6 of the Land Acquisition Act by the 3rd respondent in G.O.Ms.No.1126, Housing and Urban Development Department dated 26.07.1983 and published in Tamil Nadu Govt. Gazzette Extraordinary dated 29.07.1983 insofar as it relates to the petitioner and quash the same

W.P.No.10211 of 1984

For Petitioner : Mr.I.Mahaboob Sheriff (No appearance)
For Respondents : Mr.D.Murugan for R1
for Tamil Nadu Housing Board
Mr.T.K.Saravanan for R2 & R3
Government Advocate

W.P.No.13423 of 1986

For Petitioners : Mr.I.Mahaboob Sheriff (No appearance)
For Respondents : Mr.D.Murugan for R2
for Tamil Nadu Housing Board
Mr.T.K.Saravanan for R1 & R3
Government Advocate



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COMMON ORDER

WEB COPY These writ petitions have filed challenging the acquisition proceedings as declared under Sec.6 of the Land Acquisition Act by the 3rd respondent in G.O.Ms.No.449 and 1126, Housing and Urban Development Department dated 12.06.1984 and 29.07.1983 respectively and quash the same insofar as it relates to the petitioners.

2. Since the issues involved in both the writ petitions are one and the same these writ petitions are heard together and decided by way of this common order.

W.P.No. 10211 of 1984.

3. The petitioner's association filed this writ petition challenging the land acquisition proceedings initiated by the respondent officials on the ground of vagueness. Initially, this writ petition was allowed by this Court by order dated 30.10.1991. As against the order, the State preferred appeal in W.A.No.3133 of 2001 and the Division Bench of this Court allowed the writ appeal by judgment dated 08.09.2006, on the ground that the learned Single Judge view has been reversed by the Hon'ble Apex Court in the case of State of Tamil Nadu vs. L.Krishnan (AIR 1996 SC.497) and remitted the matter back to the learned



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Judge dealing with the subject for final hearing. Though, the writ petition is pending from the year 1984, it was listed for hearing on 10.10.2022 and no one appeared on behalf of the petitioner and the matter was today, under the caption 'for dismissal'. Today, also there is no representation for the petitioner.

4. In view of the above, this writ petition stands dismissed for non prosecution. No costs.

W.P.No. 14323 of 1986.

5. The petitioners filed this writ petition challenging the land acquisition proceedings initiated by the respondent officials on the ground of vagueness. Initially, this writ petition was allowed by this Court by order dated 30.10.1991. As against the order, the State preferred appeal in W.A.No.3133 of 2001 and the Division Bench of this Court allowed the writ appeal by judgment dated 08.09.2006, on the ground that the learned Single Judge view has been reversed by the Hon'ble Apex Court in the case of State of Tamil Nadu vs. L.Krishnan (AIR 1996 SC.497) and remitted the matter back to the learned Judge dealing with the subject for final hearing. Though, the writ petition is pending from the year 1984, it was listed for hearing on 10.10.2022 and no one appeared on behalf of the petitioner and the matter was today, under the



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caption 'for dismissal'. Today, also there is no representation for the petitioner.

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6. However, the learned Government Advocate submitted that subsequently, the petitioners herein filed another writ petition before this Court in W.P.No.14761 of 2016 seeking for declaring the impugned notification as lapsed in terms of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the same subsequently withdrawn the petitioners herein on 31.08.2021.

7. In view of the above, this writ petition stands dismissed. No costs.

12.10.2022

dhk

Index:Yes/No

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Salem

M.DHANDAPANI, J.



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3.State of Tamil Nadu

Represented by the Commissioner
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