



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.8507 of 2009

and

M.P (MD) No.2 of 2009

1.S.A.Asokan
2.S.A.Vikraman
3.Santhi
4.Jayanthi
5.S.A.Kathiravan

... Petitioners

Vs

1. The State of Tamil Nadu,
Represented by its Secretary,
Housing and urban Development Department,
Fort St.George,
Chennai . 600 009.

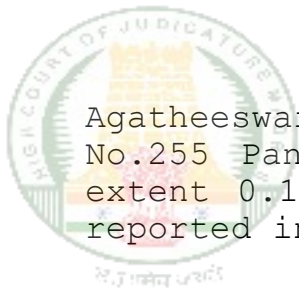
2. The District Collector,
District Collectorate,
Kanyakumari,
Nagercoil.

3. The Special Tahsildar,
(Land Acquisition),
Neighbourhood Scheme,
Nagercoil,
Kanyakumari District.

4. The Executive Engineer,
Tamil Nadu Housing Board,
Sivanthipatti Road,
Tirunelveli - 627 011.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein not to proceed with further as per the notification under Section 4(1) of the Land Acquisition Act in G.O.Ms.No.1213 Housing and Urban Development dated 17.09.1991, as well as declaration under Section 6 of the Act in G.O.Ms.No.854, dated 14.12.1992 with regard to the petitioners' property situate at Kanyakumari District, Kanyakumari registration District, Nagercoil sub-district,



Agatheeswaram Taluk, Nagercoil Village, Kottar Melakkadu, 5th Kannar, No.255 Pandara Otri Old S.F.No.1935, New S.F.No.3/4 out of total extent 0.14.60.900 ares 1 acre 32 cents, in the light of judgment reported in 2000 (3) CTC 215.

For Petitioner : Mr.R.Sundar
For R1 to R3 : Mr.D.Gandhiraj
Special Government Pleader
For R4 : Mr.Mahaboob Athiff.

O R D E R

This writ petition is filed for a Mandamus, directing the respondents 1 to 3 not to proceed with further, as per the notification under Section 4(1) of the Land Acquisition Act in G.O.Ms.No.1213 Housing and Urban Development dated 17.09.1991 and declaration under Section 6 of the Act in G.O.Ms.No.854, dated 14.12.1992.

2.Today(31.03.2022), when this writ petition is taken up for hearing, Mr.Mahaboob Athiff, learned counsel appearing for the fourth respondent fairly submits that the Notification under Section 4(1) of the Land Acquisition Act issued by the Government in G.O.Ms.No.1213 Housing and Urban Development dated 17.09.1991 was already quashed by the Principal Seat of this Court in W.P No.21215 of 1994 on 26.03.2004. He further submits that as against that order, the Department has not preferred any appeal and the order passed in the Writ petition has become final. In the meantime, declaration under Section 6 of the Act was also issued by the Government in G.O.Ms.No.854, dated 14.12.1992. He further submits that since the very Notification issued under Section 4(1) of the Land Acquisition Act itself was quashed by this Court, no further order is required in this writ petition.

3.In view of the submission made by the learned counsel for the fourth respondent that the very Notification issued under Section 4(1) of the Land Acquisition Act itself was quashed by the Principal Bench of this Court in W.P No.21215 of 1994 on 26.03.2004, this writ petition is closed, as no further orders is required. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Secretary,
Housing and urban Development Department,
Fort St.George,
Chennai . 600 009.

2. The District Collector,
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+1 CC to M/s.R.SUNDAR, Advocate (SR-15953[F] dated 01/04/2022)

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31.03.2022

USK/30.05.2022/3P/6C