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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.574 of 2010

and

M.P. (MD)Nos.2 and 3 of 2010

1. A.Sethuraman
2. G.Sangara Raj
3. S.Rajendran
4. L.Sellakkari

... Petitioners

versus

1. The Revenue Divisional Officer (LAO)
Paramakudi Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.
2. The Managing Director,
Tamil Nadu Housing Board,
Nanthanam,
Anna Salai, Chennai.
3. The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Ramanathapuram Housing Unit,
TM Buildings, Ramanathapuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings relating to Section 4(1) Notification dated 19.10.1994 and Section 6(1) declaration of the Land Acquisition Act dated 01.12.1995 made by the first respondent with respect to the petitioners' land in Survey Nos.536/4C, 536/6 and 536/9A measuring an extent of 0.41.0 hectares in Kamuthakudi Village of Paramakudi Taluk, Ramanathapuram District and to quash the same and consequently, direct the respondent not to deal with the said lands in any manner.

For Petitioners : Mr.S.Anand Chandrakumar

For R2 and R3 : Mr.Veerakathiravan,
Additional Advocate General

For R1 : Mr.G.Suriyananth

Additional Government Pleader

**ORDER**

This writ petition is filed as against the Notification issued under Section 4(1) of the Land Acquisition Act, dated 19.10.1994, by the Government, for acquiring lands to an extent of 5.89.5 hectares in Kamuthakudi Village of Paramakudi Taluk, Ramanthapuram District.

2. The learned counsel appearing for the petitioners submits that the Government, with an intention to construct houses under Small and Medium Town and Tamilnadu Government Servants Rental Housing Scheme, intended to acquire lands in the said village and also issued Notification under Section 4(1) of the Land Acquisition Act. The declaration under Section 6 of the Land Acquisition Act was also issued on 01.12.1995. Thereafter, some of the land owners filed writ petitions before the Principal Seat in W.P.Nos.1131 to 1133 of 1996 challenging the acquisition proceedings. This Court, by order dated 18.02.2002, allowed the writ petitions by holding that the declaration under Section 6(1) was made beyond the period of limitation of one year. Aggrieved over the same, the Government preferred writ appeals in W.A.SR.Nos.59944, 59946 and 59948 of 2007 and the same were also dismissed at the SR stage itself. Therefore, the learned counsel for the petitioners submits that since 4(1) Notification, under which the lands were intended to be acquired, itself was quashed by the Court in W.P.Nos.1131 to 1133 of 1996 filed by some of the land owners, the said order will be applicable to the case of the petitioners also.

3. The learned Additional Advocate General submits that this Court quashed 4(1) Notification only on technical grounds, however, without knowing the same, the Government has proceeded further and also passed award. The award amount was also deposited before the concerned Court. Therefore, this Court, at this stage, is not supposed to interfere with the 4(1) Notification, which has been culminated with the award.

4. This Court considered the rival submissions made.

5. Though it is claimed that the award was passed, the 4(1) Notification, under which the land acquisition proceedings was initiated on 19.10.1994, was quashed by this Court in W.P.Nos.1131 to 1133 of 1996 dated 18.02.2002 and the writ appeals filed by the Government in W.A.SR.Nos.59944, 59946 and 59948 of 2007, were also dismissed by this Court at the SR stage itself. Therefore, the orders passed in W.P.Nos.1131 to 1133 of 1996 dated 18.02.2002 have become final and the said orders will be applicable to the petitioners also.



6. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

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/ /2022
Sub Assistant Registrar (CS)

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To

1. The Revenue Divisional Officer (LAO)
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Paramakudi, Ramanathapuram District.
 2. The Managing Director,
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 3. The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Ramanathapuram Housing Unit,
TM Buildings, Ramanathapuram.
- +1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate
(SR-22171[F] dated 28/04/2022)
- +1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-23007[F] dated 29/04/2022)

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SP/27/05/2022/3P/6C