



W.P(MD)Nos.8034,8035,10820 and 10821 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **04.07.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.8034,8035,10820 and 10821 of 2011

and

M.P(MD)Nos.1,1,1 and 1 of 2011

K.Pathinettan	... Petitioner (In W.P(MD)No.8034 of 2011)
K.Kasinathan	... Petitioner (In W.P(MD)No.8035 of 2011)
Govindammal	... Petitioner (In W.P(MD)No.10820 of 2011)
Sathiammal	... Petitioner (In W.P(MD)No.10821 of 2011)

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Housing Urban Development Department,
Fort St.George, Chennai-600 009.
- 2.The Revenue Divisional Officer,
cum Land Acquisition Officer,
Ramanathapuram Taluk,
Ramanathapuram District.



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3. The Tamil Nadu Housing Board,
Represented by the Executive Engineer and
Administrative Officer,
Ramanathapuram Housing Unit,
Ramanathapuram-623 501.

... Respondents
(In all cases)

PRAYER IN W.P(MD)Nos.8034 and 8035 of 2011 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the entire acquisition proceedings has lapsed in view of notice dated 07-03-2003 issued by the second respondent proposing to pass the award in respect of Ramanathapuram Taluk, Sakkarakottai Village Survey Number 130/2A1A and etc., an extent of 19.44.5 Hectares land acquired for Tamil Nadu Housing Board after the expiry of two years in violation of the Section 11(A) of the Act.

PRAYER IN W.P(MD)Nos.10820 and 10821 of 2011 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the entire acquisition proceedings has lapsed in view of notice dated 07.03.2003 and the award dated 28.03.2003 in as so far the petition is concerned in his award No.Na.Ka.A1/12674/89, issued by the second respondent in respect of Ramanathapuram Taluk, Sakkarakottai Village Survey Number 130/2A1A and etc., an extent of 19.44.5 Hectares land acquired for Tamil Nadu Housing Board after the expiry of two years in violation of the Section 11(A) of the Act.



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For Petitioner : Mr.K.Vadivelu
(In all Cases)

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader
for R1 and R2
(In all cases)
Mr.S.Sumesh
for R3
(In all cases)

COMMON ORDER

The present writ petitions have been filed for a declaration that the award passed under Section 11(A) of the Land Acquisition Act, 1894 (hereinafter referred as “the Act”) is null and void on the ground that it has been passed beyond a period of two years from the date of declaration passed under Section 6 of the Act.

2. According to the learned counsel for the petitioners, the declaration was issued under Section 6 of the Act on 10.02.1994 and the proceedings were challenged by the land owners. According to the learned counsel for the petitioners, there was no stay between 10.02.1994 to 17.05.1994. Thereafter, an order of interim stay was granted by this Court. The interim stay granted by this Court was vacated on 20.04.2001.



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However, notice for award enquiry was issued only on 07.03.2003, which is beyond a period of 2 years. Hence, according to the learned counsel for the petitioners, the award enquiry notice and the consequential award passed by the Acquisition Officer have to be declared as null and void.

3. Despite several hearings, the learned counsel for the petitioners is not able to produce the order copies relating to the granting of stay and vacating of stay in the land acquisition proceedings so as to calculate the period of two years. Hence, I do not find any merits in the present writ petitions. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.07.2022

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Index : Yes / No
Internet : Yes / No



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R.VIJAYAKUMAR ,J.

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Order made in
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Dated:
04.07.2022