



W.P.(MD)Nos.16723 and 19354 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.16723 and 19354 of 2013

and

M.P(MD)No.1 of 2013

and

M.P.(MD)No.1 of 2013

R.Murugesan ... Petitioners in W.P.(MD)No.16723 of 2013

M.Manimegalai ... Petitioners in W.P.(MD)No.19354 of 2013

Vs.

1.The State of Tamil Nadu
represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 0009.

2.The Revenue Divisional Officer cum
Land Acquisition Officer,
Ramanathapuram.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Ramanathapuram Housing Unit,
Ramanathapuram- 623 501. ... Respondents in both WPs



W.P.(MD)Nos.16723 and 19354 of 2013

PRAYER in W.P.(MD)No.16723 of 2013: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, to declare the entire acquisition proceedings has lapsed in view of the award dated 28.03.2003 in his award No.Na.Ka.A1/12674/89, issued by the second respondent in respect of Ramanaathapuram Taluk, Sakkarakottai Village, Survey Number 144/3B and etc., Ramanathapuram Taluk an extent 2.86 cents out of two Acre and 50 cents of the 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)No.19354 of 2013: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, to declare the entire acquisition proceedings has lapsed in view of the award dated 28.03.2003 in his award No.Na.Ka.A1/12674/89, issued by the second respondent in respect of Ramanaathapuram Taluk, Sakkarakottai Village, Survey Number 144/3B and etc., Ramanathapuram Taluk an extent 6.45 cents out of two Acre and 50 cents of the land acquired for Tamil Nadu Housing Board after the expiry of two years in violation of the Section 11(A) of the Act.

For Petitioner	: Mr.K.Vadivelu
For R1 and R2	: Mr.S.Shanmugavel, Additional Government Pleader
For R3	: Mr.S.Suresh

(in both Writ Petitions)



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COMMON ORDER

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These present writ Petitions have been filed for a declaration that award passed under Section 11(A) of the Land Acquisition Act, 1894 has got lapsed, in view of the fact that the said award was not passed within a period of two years from the date of declaration under Section 6 of the Land Acquisition Act (herein after referred to as 'the Act').

2. Admittedly, in both the writ petitions, declaration under Section 6 of the Act, was published on 10.02.1994. The writ petitioners have filed writ petitions under which an order of interim stay was granted in a batch of writ petitions filed along with the writ petitioner on 17.05.1994. The said writ petitions were dismissed by the Hon'ble Single Judge on 20.04.2001. Thereafter, an award has been passed under Section 11(A) of the Act on 28.03.2003. According to the learned counsel for the petitioner, this period during which the stay order was operating alone can be excluded and not the entire period prior to the grant of stay or after the vacation of stay can be taken into consideration. Hence, he contended that the award has been passed beyond a period of two years. Hence the acquisition proceedings should be declared to have lapsed.



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3.Per contra, the learned counsel appearing for the respondent Board had contended that the interim order in both the writ petitions were vacated only on 20.04.2001 and the two years period expires on 20.04.2003. However, an award has been passed on 28.03.2003 itself, well within a period of two years. Hence, she contended that the proceedings will not get lapsed and the writ petitions may be dismissed.

4.I carefully considered the submissions made on either side. There is no dispute with regard to the date of the declaration under Section 6 of the Act. This also an admitted fact that the award has been passed in both the cases on 28.03.2003.

5.The learned counsel for the respondent Board has contended that the two years period has to be calculated only from the date on which the interim order was vacated.

6.I cannot subscribe to this submission made by the learned counsel appearing for the respondent Board. Even prior to the order of granting of interim stay, three months period has already expired from the date of publication of declaration under Section 6 of the Act. When



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this period is also taken into consideration, the award ought to have been passed on or before 28.12.2002. However, the award has been passed on 28.03.2003, well beyond a period of two years.

7.In view of the said discussion, the following order is passed:

The acquisition proceedings relating to the land belonging to the petitioners alone are hereby declared to have lapsed under Section 11(A) of the Land Acquisition Act, 1894, in view of the fact that they have been passed two years beyond the declaration under Section 6 of the Act. However, the award proceedings in relation to the properties other than that of the writ petitioners are concerned, they are sustained.

8.With the above said observation, both the writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

16.08.2022

Index: Yes/No
Internet : Yes/No
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R.VIJAYAKUMAR, J.

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- To
- 1.The Secretary to Government,,
State of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Chennai - 600 0009.
 - 2.The Revenue Divisional Officer cum
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Ramanathapuram.

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