



W.P.(MD).No.5940 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.5940 of 2012

and

M.P.(MD)Nos.1 & 2 of 2012 and 2 of 2012

1.Mayakkal

2.Sivapandi

... Petitioners

Vs.

1. The District Collector,
Madurai District.

2. The Special Tahsildar, (Land acquisition)
Adi Dravidar Welfare Department,
Usilampatti,
Madurai District.

3. The President
Papapatti Village Panchayat,
Usilampatti (TK)
Madurai District.

... Respondents

***(R3 is impleaded vide Court order dated
17.12.2012 in W.M.P.(MD)No.3 of 2012)***



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned proceedings of the second respondents in Na.Ka.No.600/5/a dated 14.06.2005, 01.08.2005 and 21.08.2006 and the consequential order of the first respondent dated 24.12.2005 in Na.Ka.120681 of 2005 and quash the same.

For Petitioner : Mr.Srikanth
For R1 & R2 : Mr.D.SasiKumar
Additional Government Pleader
For R3 : Mr.F.Deepak

ORDER

The present writ petition has been filed challenging the proceedings of the second respondent dated 14.06.2005, 01.08.2005 and 21.08.2005 and the 4(1) notification issued by the first respondent herein under Tamil Nadu Acquisition of Land for Harijans Welfare Schemes Act, 1978.

2. According to the petitioners, they are the owners of an extent of one acre and 86 cents through various sale deeds. According to the writ petitioner, the first respondent herein intending to acquire the



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land under the Tamil Nadu Acquisition of Land for Harijans Welfare Scheme Act of 1978 has issued a notice calling for objections from the land owners by a notification dated 14.06.2005 and another notification dated 01.08.2005. Both these notifications were issued pursuant to the powers conferred upon the first respondent herein under Rule 3 of the above said Act.

3. The learned Counsel for the petitioners further contends that the first respondent herein has issued a notification under section 4(1) of the above said Act on 24.12.2005. Thereafter, on 21.08.2006, the second respondent herein has forwarded the proposal to the first respondent for fixing of the compensation for the lands that have been acquired under the above said Act.

4. Though the writ petition has been filed seeking to quash the acquisition proceedings, the petitioners have already filed an affidavit to the effect that they have no objection whatsoever to proceed with the acquisition proceedings. But their objection is only with regard to the



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alignment of the road which is sought to be laid.

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5. As seen from Section 4(2) and Rule 3 of the above said Act, before publishing a notification under section 4(1) of the Act, the Collector calls for objections from the land owners. Any objection with regard to the alignment of road should be taken at that point of time. However, in the present writ petition, that stage has crossed. Thereafter, 4(1) notification has been issued on 24.12.2005 and the proposal for the compensation has been forwarded by the second respondent in favour of the first respondent on 21.08.2006. That apart, the present writ petition has been filed six years thereafter namely in the year 2012. Now the learned Counsel for the Government Advocate appearing for the respondent points out that the award has been passed and the road work has also been completed. The present writ petition has been filed in a very belated stage after a period of seven years from the date of 4(1) notification. Now it is not possible to make any changes in the alignment of the road. Hence, at this point of time the request of the petitioner cannot be considered, especially, when the same has not been raised by



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the writ petitioner, when objections were called for before issuing a 4(1) notification.

6. In view of the above said discussion, there is no scope for interference in the proceedings of the respondents authorities.

7. With the above said observations, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

27.06.2022

Index : Yes / No
Internet : Yes / No
jbr

To

1. The District Collector,
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2. The Special Tahsildar, (Land acquisition)
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R.VIJAYAKUMAR ,J.

jbr

Order made in
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