



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.06.2022**

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THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.3855 of 2017

S.Murugesan

... Petitioner

/vs./

1.The Principal Secretary,
Adi-Dravidar & Tribal Welfare Department,
Secretariat, Chennai -9.

2.The District Collector, Tirunelveli District.

3.The Special Tahsildar (Adi Diravidar Welfare),
Cheranmahadevi, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of land measuring an extent of 1.30 acre in Rangasamuthiram Village Survey No.408/1D, Ambasamuthiram Taluk, Thirunelveli District covered in Award No.3/94-95 dated 13.02.1995 in Adi Dravidar and Tribal Welfare Department as null and void and the same is deemed to have lapsed in view of Section 24(2) of Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : No appearance

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

None appears for the writ petitioner.

2.This writ petition has been filed seeking declaration that the proceedings initiated under the Land Acquisition Act, 1894 in respect of the petition mentioned lands stood lapsed, in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

3.The respondents have filed their detailed counter affidavit. It has been stated therein that the acquisition notification was issued as early as on 25.05.1993 and that an award was passed on 13.02.1995. The award amount was deposited in the Revenue Deposit on 16.02.1995. Questioning the acquisition proceedings, one K.S.Natarajan, a Co-owner filed W.P(MD) No.16064 of 1995. It was dismissed on 25.07.2001. Subsequently, revenue records were also mutated in the year 2004 and at present, the petition mentioned lands stand in the name of the Department.



4.The learned Special Government Pleader reiterated the contentions set out in the counter affidavit and called for dismissal of the writ petition.

5.It is seen that the writ petition has been filed on the strength of the judgment of the Hon'ble Supreme Court reported in **2014 (5) CTC 857 (SC):2015 (3) SCC 353 (Sree Balaji Nagar Residential Association Vs. Tamil Nadu and others)**. Subsequently, the Hon'ble Supreme Court in **(2020) 8 SCC 129 (Indore Development Authority Vs. Manoharlal and others)** had overruled its earlier decision. Therefore, the very foundation, based on which the writ petition was filed, no longer stands. There is no merit in the writ petition.

6.The writ petition is dismissed, accordingly. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary,
Adi-Dravidar & Tribal Welfare Department,
Secretariat, Chennai -9.
- 2.The District Collector, Tirunelveli District.
- 3.The Special Tahsildar (Adi Diravidar Welfare),
Cheranmahadevi, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-25412[F] dated 13/06/2022)

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