



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

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**W.P (MD)Nos.25322 and 25323 of 2018
and W.M.P. (MD) Nos.22930 and 22931 of 2018**

A.M.Abdul Malik .. Petitioner in W.P.(MD) No.25322/2018

B.Abeeda Beevi .. Petitioner in W.P.(MD) No.25323/2018

Vs

1.The Union of India,
Rep. by its Joint Secretary (Judicial),
Ministry of Home Affairs,
NDCC II Building,
Jai Singh Road,
New Delhi - 110 001.

2.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Law,
Fort St. George,
Chennai.

3.The Additional Chief Secretary,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Fort St. George,
Chennai.

4.The District Collector,
Ramanathapuram District,
Ramanathapuram.

5.The District Revenue Officer
Cum Competent Authority,
Ramanathapuram,
Ramanathapuram District. ..Respondents in both Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declare the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014, (Tamil Nadu Act No.1 of 2015) as unconstitutional.

<https://hcservices.ecourts.gov.in/hcservices/>



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For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates
For Respondents : Mr.Kathikeya Venkatachalapathy
Central Government Standing
Counsel for R1
: Mr.Veera Kathiravan,
Additional Advocate General
Assisted by
Mr.Shaji Bino
R2 to R5

ORDER

[Made by R.VIJAYAKUMAR, J.]

These writ petitions have been filed seeking a Writ of Declaration to declare the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2014, (Tamil Nadu Act No.1 of 2015) as unconstitutional.

2. Learned Additional Advocate General appearing for the respondents 2 to 4 has brought to the notice of this Court the judgment of the Hon'ble Supreme Court in the case of *G.Mohan Rao & Ors., vs. State of Tamil Nadu*, reported in (2021) SCC OnLine SC 440.

3. The Tamil Nadu Act No.1 of 2015, which is under challenge, was originally struck down by the Division Bench of this Court. When the appeal was pending before the Hon'ble Supreme Court, the State has come out with a fresh enactment by name "The Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019". The constitutional validity of this validating Act of 2019 was also upheld by the Hon'ble Supreme Court of India in the judgment cited supra. The Hon'ble Supreme Court has held that, in case the land owners like to challenge the acquisition, they can do it on case to case basis.

4. In view of the above said facts, nothing survives in these writ petitions. The writ petitions are dismissed as infructuous. No costs. Consequently connected Miscellaneous Petitions would not survive.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Joint Secretary (Judicial),
Ministry of Home Affairs,
Union of India,
NDCC II Building,
Jai Singh Road,
New Delhi - 110 001.

2.The Secretary,
Department of Law,
State of Tamil Nadu,
Fort St. George,
Chennai.

3.The Additional Chief Secretary,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Fort St. George,
Chennai.

4.The District Collector,
Ramanathapuram District,
Ramanathapuram.

5.The District Revenue Officer Cum Competent Authority,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-16377[F]
dated 04/04/2022)

+2 CC to M/s.M.MAHABOOB ATHIFF (AJMAL ASSOCIATES), Advocate
(SR-16618 & 16619[F] dated 05/04/2022)

+1 CC to M/s.SPL.GP (SR-16690[F] dated 05/04/2022)

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