



W.P(MD)Nos.21068 of 2016 & 8809 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 30.11.2022
DELIVERED ON : 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.21068 of 2016 & 8809 of 2021

and

W.M.P(MD)Nos.15061 & 15062 of 2016 and 18055 of 2022

and

W.M.P(MD)Nos.6632 of 2021 & 17953 of 2022

W.P(MD)No.21068 of 2016

M.Abdul Kareem (Died)

1.Thajuma Beevi

2.Asma Rani

3.Ainul

... Petitioners

(Petitioner Nos.1 to 3 substituted vide Court order, dated 10.12.2021, in W.M.P(MD)No.18127 of 2021 in W.P(MD)No.21068 of 2016)

Vs.

1.The District Collector of Ramanathapuram,
Collectorate Complex,
Ramanathapuram District.

2.The District Adi Dravidar and Welfare Officer,
Ramanathapuram.

3.The Special Tahsildar,
Adi Dravidar Welfare,
Ramanathapuram,
Ramanathapuram District.

... Respondents



W.P(MD)Nos.21068 of 2016 & 8809 of 2021

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 4(1) notification passed by the first respondent and published in District Gazette, dated 26.09.1998, in his Na.Ka.No. 2/13457/98 and consequent award passed by the third respondent in Award No.6/1998-99, dated 01.02.1999, in respect of Survey Nos.424/1C and 424/2C situated in Karikuttam Village, Sarkaraikottai Group, Ramanathapuram Taluk and District.

(Prayer amended vide Court order, dated 10.11.2022, in W.M.P(MD)No. 18054 of 2022 in W.P(MD)No.21068 of 2016)

W.P(MD)No.8809 of 2021

Tamilselvan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,

2.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

3.The District Adi Dravidar Welfare Officer,
Ramanathapuram.

4.The Special Tahsildar,
Aadi Dravidar Welfare Department,
Ramanathapuram.

... Respondents

(Respondent No.2 is cause title amended vide Court order, dated 10.11.2022, in W.M.P(MD)No.17950 of 2022 in W.P(MD)No.8809 of 2021)



W.P(MD)Nos.21068 of 2016 & 8809 of 2021

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 4(1) notification passed by the first respondent and published in District Gazette, dated 26.09.1998, in his Na.Ka.No. 2/13457/98 and consequent award passed by the third respondent in Award No.6/1998-99, dated 01.02.1999, in respect of Survey Nos.424/1D and 424/2D situated in Karikuttam Village, Sarkaraikottai Group, Ramanathapuram Taluk and District.

(Prayer amended vide Court order, dated 10.11.2022, in W.M.P(MD)No. 17952 of 2022 in W.P(MD)No.8809 of 2021)

(In Both W.P.s)

For Petitioners : M/s.RM.Arun Swaminathan

For Respondents : M/s.B.Saravanan
Additional Government Pleader

COMMON ORDER

W.P(MD)No.21068 of 2016 was originally filed to quash the order passed by the second respondent, under which, he has cancelled the order of assignment granted in favour of some beneficiaries and directed for initiation of action to assign the lands to different beneficiaries. Thereafter, the prayer was amended by an order of this Court, dated 10.11.2022, in W.M.P(MD)No.18054 of 2022. As per the amended prayer, the petitioner has challenged the 4(1) notification, dated 26.09.1998 and the award passed



W.P(MD)Nos.21068 of 2016 & 8809 of 2021

by the third respondent, dated 01.02.1999, in respect of S.Nos.424/1C and 424/2C situated in Karikuttam Village, Sarkaraikottai Group, Ramanathapuram Taluk and District.

2. W.P(MD)No.8809 of 2021 was originally filed to quash the order passed by the second respondent, under which, he has cancelled the order of assignment granted in favour of some beneficiaries and directed for initiation of action to assign the lands to different beneficiaries. Thereafter, the prayer was amended by an order of this Court, dated 10.11.2022, in W.M.P(MD)No.17952 of 2022. As per the amended prayer, the petitioner has challenged the 4(1) notification, dated 26.09.1998 and the award passed by the third respondent, dated 01.02.1999, in respect of S.Nos.424/1D and 424/2D situated in Karikuttam Village, Sarkaraikottai Group, Ramanathapuram Taluk and District.

Contention of the learned Counsel for the petitioners:

3. According to the learned Counsel for the petitioners, S.Nos.424/1C and 424/2C having an extent of 0.62.0 and 0.19.4 hectares was owned by the writ petitioner. While the writ petitioner was abroad, a 4(1) notification



W.P(MD)Nos.21068 of 2016 & 8809 of 2021

has been issued for acquisition of the said land on 26.09.1998. No notice was served either upon the petitioner or upon his family members before issuance for the said notification. The award in award No.6 of 1998-1999 has been passed on 01.02.1999 without issuing any notice to the writ petitioner or his family members. Hence, according to the learned Counsel for the petitioners, the 4(1) notification and the consequential award are liable to be set aside.

4. The learned Counsel for the petitioner had further contended that the adjacent land owners of S.Nos.424/1B and 424/1A had challenged the acquisition proceedings in W.P(MD)Nos.9926 and 9927 of 1999. This Court by an order, dated 16.12.2006, had set aside the 4(1) notification and directed the District Collector to verify whether the mandatory requirements under Section 4(1) were complied with or not. Thereafter, an enquiry was conducted by the District Collector, Ramanathapuram and an order was passed on 03.11.2007, confirming the acquisition proceedings. The said order of the District Collector was challenged by the adjacent owners in W.P(MD)No.3259 of 2010, the said writ petition was allowed. Hence, according to the learned Counsel for the petitioner, the land acquisition



W.P(MD)Nos.21068 of 2016 & 8809 of 2021

proceedings have been set aside with regard to the adjacent survey number on the ground that, no proper notice has been issued to the land owners as contemplated under Section 4(1) of the Land Acquisition Act. Hence, he prayed for allowing the writ petition.

Contention of the official respondents:

5. Per contra, the learned Additional Government Pleader appearing for the respondents had contended that the acquisition proceedings cannot be challenged after an award has been passed. In the present case, award has been passed on 28.01.1999 and the present writ petitions have been filed in the years 2016 and 2021, challenging the 4(1) notification and the 6 declaration. Hence, the writ petition is not maintainable. He further contended that only after issuing proper notice, the acquisition proceedings have been proceeded with and hence, the order impugned in the writ petition may be sustained and the acquisition proceedings may be confirmed.

6. As far as W.P(MD)No.8809 of 2021 is concerned, it relates to S.Nos.424/1D and 424/2D and the said lands were originally owned by one Seenivarusai. From the said Seenivarusai, the petitioner is said to have



W.P(MD)Nos.21068 of 2016 & 8809 of 2021

purchased the properties through a valid registered sale deed on 22.07.2002.

According to the petitioner, his vendor, namely, Seenivarusai was also not issued with any notice prior to acquisition proceedings or at the time of passing of the award. The petitioner also relied upon the findings in the award enquiry to the effect that the writ petitioner's vendor is abroad and he would not be prejudiced by the acquisition of the said proceedings. Hence, he prayed for allowing the writ petition.

7. I have carefully considered the submissions made on either side.

Discussion:

8. As far as W.P(MD)No.21068 of 2016 is concerned, the writ petitioner had challenged the 4(1) notification, dated 26.09.1998 and the award, dated 28.01.1999 (signed on 01.02.1999) with regard to S.Nos. 424/1C and 424/2C. A perusal of the typed set of papers indicate that the same petitioner had filed W.P(MD)No.5288 of 2008 before this Court, challenging the same award, dated 28.01.1999. The said writ petition has been dismissed by this Court on 19.11.2009. There are no records to indicate that the said order of the learned Single Judge was challenged in



W.P(MD)Nos.21068 of 2016 & 8809 of 2021

writ appeal. Hence, it is clear that the challenge to the award, dated 28.01.1999, by the same writ petitioner has attained finality. Thereafter, the present writ petition has been filed challenging the 4(1) notification and the same award for the same survey number. Hence, I find that the said writ petition is not maintainable and the same is liable to be dismissed.

9. As far as W.P(MD)No.8809 of 2021 is concerned, the 4(1) notification has been issued on 26.09.1998 and the award has been passed on 28.01.1999. The petitioner is said to have purchased the property from the original land owner under a registered sale deed No.471 of 2002 on 22.07.2002. Hence, it is clear that the petitioner has purchased the property from the land owner after an award has been passed in the land acquisition proceedings.

10. Though the petitioners have contended that they are in possession of the property, no revenue records have been placed before the Court to establish their possession. As per Section 16 of the Land Acquisition Act, after passing of the award, the Collector is entitled to take possession and on such taking of the possession, the property vests absolutely in the



W.P(MD)Nos.21068 of 2016 & 8809 of 2021

Government free from all encumbrances. Hence, it is clear that in both the cases, the property has absolutely vested with the Government and hence, at this length of time, the question of quashing the 4(1) notification or the award does not arise. Hence, both the writ petitions are not maintainable in the eye of law.

11. In view of the above said facts, both the writ petitions are devoid of any merits and the same stand dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

06.12.2022

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The District Collector of Ramanathapuram,
Collectorate Complex,
Ramanathapuram District.
- 2.The District Adi Dravidar and Welfare Officer,
Ramanathapuram.

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W.P(MD)Nos.21068 of 2016 & 8809 of 2021

R.VIJAYAKUMAR, J.

btr

3.The Special Tahsildar,
Adi Dravidar Welfare,
Ramanathapuram,
Ramanathapuram District.

4.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

Order made in
W.P(MD)Nos.21068 of 2016 & 8809 of 2021

06.12.2022