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W.A.Nos.691 to 693 of 2012 and
W.P.Nos.13405 & 13406 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and

THE HONOURABLE MR.JUSTICE P. B.BALAJI

W.A.Nos.691 to 693 of 2012 and

W.P.Nos.13405 and 13406 of 2003 and

M.P.No.1 + 1 + 1 and 2+2 of 2012

W.A.No.691/2012

1. State of Tamil Nadu rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

2. District Revenue Officer, Salem.

3. The Special Tahsildar (Land Acquisition),
Neighbourhood Scheme, Salem.

... Appellants

Vs.

P.Mani

... Respondent

In W.A.No.692/2012

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

2. The Special Tahsildar (Land Acquisition),
Neighbourhood Scheme, Salem.

... Appellants

Page 1 of 9



W.A.Nos.691 to 693 of 2012 and
W.P.Nos.13405 & 13406 of 2003

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Vs.

1. S.M.Ramanathan
2. S.M.Raghunathan

... Respondents

In W.A.No.693/2012

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

2. The Special Tahsildar (Land Acquisition),
Neighbourhood Scheme, Salem.

... Appellants

Vs.

1. Sembayammal
2. Subramanian
3. Manickam
4. Perumal
5. Rathinam
6. Soundarajan

... Respondents

In W.P.No.13405/2003

1. Kandasami
2. Madeswari
3. Gowselya
4. Jayanthi

... Petitioners

Vs.

1. The Secretary, Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.



W.A.Nos.691 to 693 of 2012 and
W.P.Nos.13405 & 13406 of 2003

2. The Special Tahsildar, Land Acquisition,
Neighbourhood Scheme, Salem.

3. The Tamil Nadu Housing Board,
Rep. by its Managing Director,
Nandanam, Chennai
(R3 suo motu impleaded as per order dated 12.01.2007
in W.P.No.13405 & 13406/2003) ... Respondents

In W.P.No.13405/2003

1. Ekambaram
2. Srinivasan
3. Marimuthu
4. Kumaravel ... Petitioners

Vs.

1. The Secretary, Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.
2. The Special Tahsildar, Land Acquisition,
Neighbourhood Scheme, Salem.
3. The Tamil Nadu Housing Board,
Rep. by its Managing Director,
Nandanam, Chennai
(R3 suo motu impleaded as per order dated 12.01.2007
in W.P.No.13405 & 13406/2003) ... Respondents

Prayer in W.A.No.691/2012: Writ Appeal filed under Section 15 of Letters
Patent to set aside the order passed by this Court in W.P.No.10506 of 2001
dated 30.08.2010.



W.A.Nos.691 to 693 of 2012 and
W.P.Nos.13405 & 13406 of 2003

Prayer in W.A.No.692/2012: Writ Appeal filed under Section 15 of Letters Patent to set aside the order passed by this Court in W.P.No.16482 of 2001 dated 30.08.2010.

Prayer in W.A.No.693/2012: Writ Appeal filed under Section 15 of Letters Patent to set aside the order passed by this Court in W.P.No.16483 of 2001 dated 30.08.2010.

Prayer in W.P.No.13405/2003: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating G.O.Ms.No.146 (H & UD) dated 29.03.2000 and the notification under Section 4(1) in G.O.Ms.No.147 (H & UD) dated 29.03.2000 published in the Government Gazettee in part-II Section 2 supplement on 10.05.2000 and G.O.Ms.No.272 (H&UD) dated 16.05.2001 published in Part II Section 2 in the Tamilnadu Government Gazettee extra ordinary on 16.05.2001 in respect of survey No.68/1B to an extent of 0.65.0 Hec., situate at 64 Koottagundanpatty Village, Omalur Taluk, Salem District owned by the petitioners and quash the same. **(Prayer amended as per order dated 04.07.2012 in WPMP Nos.188 and 192/ 2017 in W.P.Nos.13405 & 13406/2003)**

Prayer in W.P.No.13406/2003: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating G.O.Ms.No.146 (H & UD) dated 29.03.2000 and the notification under Section 4(1) in G.O.Ms.No.147 (H & UD) dated 29.03.2000



W.A.Nos.691 to 693 of 2012 and
W.P.Nos.13405 & 13406 of 2003

published in the Government Gazettee in part-II Section 2 supplement on 10.05.2000 and G.O.Ms.No.272 (H&UD) dated 16.05.2001 published in Part II Section 2 in the Tamilnadu Government Gazettee extra ordinary on 16.05.2001 in respect of survey No.68/5B to an extent of 0.56.0 Hec., situate at 64 Koottagundanpatty Village, Omalur Taluk, Salem District owned by the petitioners and quash the same. **(Prayer amended as per order dated 04.07.2012 in WPMP Nos.188 and 192/ 2017 in W.P.Nos.13405 & 13406/2003)**

In W.A.Nos.691 to 693/2012

For Appellants : Mr.UM.Ravichandran, Spl.Govt.Pleader
in all writ appeals

For Respondents : Mr.K.Krishnamoorthy
for sole appellant in W.A.No.691/2012

Mr.V.G.Sureshkumar
for respondents 1 and 2 in W.A.No.692/2012

Mr.S.Doraisamy
for respondents 3 to 6 in W.A.No.693/2012

In both writ petitions

For petitioners : Mr.M.Elango

For respondents : Mr.UM.Ravichandran,
Special Government Pleader for R1 and R2
Ms.C.Shyamala for R3



W.A.Nos.691 to 693 of 2012 and
W.P.Nos.13405 & 13406 of 2003

COMMON JUDGEMENT

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(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

The Writ Appeals in W.A.No.691 to 693 of 2012 have been filed by the Government, challenging the order passed by this Court in W.P.Nos.10506, 16482 and 16483 of 2001 dated 30.08.2010, whereby, the Writ Court has quashed the declaration made by the Government under Section 6 of the Land Acquisition Act in G.O.Ms.No.272, Housing and Urban Development Department, dated 16.05.2001 with some directions to the concerned officials.

2. The Writ petitions in W.P.Nos.13405 and 13406 of 2003 have been filed to quash the G.O.Ms.No.147 (H & UD) dated 29.03.2000 and also G.O.Ms. No.272 (H & UD) dated 16.05.2001.

3. All the matters are pertaining to the proposal of land acquisition for the purpose of construction of houses by the Tamil Nadu Housing Board under the neighbourhood scheme in Kottangoundanpatty Village, Omalur Taluk, Salem District, owned by the writ petitioners. Since the facts and circumstances of the case and the issues involved in all the matters are one



W.A.Nos.691 to 693 of 2012 and
W.P.Nos.13405 & 13406 of 2003

and the same, the matters were taken together for hearing and are disposed of by way of this common judgment.

4. Today, Mr.S.Naresh Babu, Assistant Engineer, Salem Housing Unit, Tamil Nadu Housing Board, Chennai (Mobine No.9976060392) is appeared before this Court.

5. On instructions, the learned standing counsel appearing for the Tamil Nadu Housing Board fairly submitted that the proposed acquisition of the lands in question, in respect of the survey numbers owned by all the writ petitioners herein alone, has been dropped. Hence, no further order is required to be passed in the writ appeals as well as the writ petitions.

6. Recording the submission made by the learned standing counsel appearing for the Tamil Nadu Housing Board, the writ appeals in W.A.No.691 to 693 of 2012 and the writ petitions in W.P.No.13405 & 13406/2003 are closed. No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K.J.) (P.B.B.J.)
19.07.2023

Internet: Yes/No
mst



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- To
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Housing and Urban Development Department,
Fort St. George, Chennai-600 009.
 2. The Special Tahsildar, Land Acquisition,
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D.KRISHNAKUMAR, J.

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