



W.P.No.42659 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.42659 of 2002

1.Subramania Chettiar
2.S.Rajendran
3.M.Lingammal

... Petitioners

Versus

1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

2.The District Revenue Officer,
Thiruvallur District.

3.The Revenue Divisional Officer,
Thiruvallur.

4.The Director of Agriculture Marketing,
Anna Nagar, Chennai – 600 040.

5.C.Nagarajan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records in Na.Ka.No.24664/99/F-1, dated 05.07.2002 on the file of the second respondent and quash the same.

For Petitioners : Mr. V. Chandrakanthan
For Respondents : Mr. J. Ravindran, (for R1 to R4)
Additional Advocate General
Assisted by Mr. V. Veluchamy, A.G.P.
: Mr. J. Antony Jesus (for R5)



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ORDER

This Writ Petition has been filed challenging the proceedings issued by the second respondent in Na.Ka.No.24664/99/F-1, dated 05.07.2002 and quash the same.

2. It is the case of the petitioners that as per G.O.Ms.No.2051, Agriculture Department dated 04.09.1981, some lands in Perumbakkam Village, Thiruvallur Taluk, Thiruvallur District were acquired by the Government for the purpose of establishing of a market society by the fourth respondent. Respondents No.2 & 3 approached the persons like the petitioners and the lands were required for acquisition, thereby, by an order dated 12.04.1996, the fourth respondent/Director of Agriculture, agreed with the petitioners and other persons for exchange of lands. Based on that order, exchange of deeds were arranged and the possession was delivered to the respective parties. The said exchange of deeds was duly informed to the respondents No.2, 3 and the Land Acquisition Officer. Subsequently, when the petitioners approached the Village Administrative Officer to pay Kist for the lands transferred in their favour under the exchange deeds, at that time only, they came to know about that there is a proceeding of the



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second respondent dated 05.07.2002, issued to the first respondent, recommending for the forfeiture of the lands under Section 16-A of the Land Acquisition Act.

3. In the meantime, as against the land acquisition proceedings, the fifth respondent had filed a Writ Petition in W.P.No.15323 of 2000 to direct the respondent to relinquish the land comprised in S.No.3 to an extent of 63 cents in the said Village and to restore the same to him. The said Writ Petition was dismissed on 25.01.2021, holding that the land was acquired long back with the consent of the third respondent's father, namely, one Mr. P.M. Chockalingam, and after passing the Award and after the Award amount was deposited before the Civil Court, the fifth respondent had no right to seek relinquishment by approaching the Requisitioning Body.

4. According to the petitioners, once the lands were acquired by the Government, even after executing the exchange deeds in favour of the respective parties, the second respondent, without considering the above said facts, passed the impugned order, dated 05.07.2002, which is totally



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untenable. Hence, this Writ Petition.

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5. Heard the learned counsel for the petitioner ; the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents 1 to 4, and the learned counsel appearing for the fifth respondent and perused the materials available on record.

6. The learned counsel for the petitioners submitted that even after passage of two decades, the official respondents have not taken any steps in this regard that the Writ Petition is of the year 2002, that the petitioners are in possession and enjoyment of the property from the date of exchange of deeds, and that, therefore, the impugned order dated 05.07.2002 passed by the second respondent to forfeit the land owned by the petitioners under the exchange deed is unsustainable in law. Hence, he prayed this Court to allow the Writ Petition.

7. Now, the second respondent has filed a counter affidavit, wherein, in Paragraph No.9, the second respondent submitted a detailed



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report of the present case status. It is useful to extract the same as hereunder:-

“9. However, the exchanged property being promoted as Procuring market while the case was pending and official office of the 4th Respondent. Hence, disturbing possessin of the petitioner will indirectly affect the interest of 4th Respondent market and office that will lead to the legal complication. Therefore, in view of the changing circumstance and exceptional circumstances prevailing, the District Collector of Thiruvallur has now decided and sent revised proposal vide Na.ka.No. COLREV/40994/2023/F1 for recommending the ratification of exchange made by the 4th Respondent and petitioner under Section 16-A of the (inserted by Tamil Nadu Act 16 of 1997) of the Land Acquisition Act, 1894 to the Government through Commissioner of Land Administration for getting formal orders from the Government and appropriate orders will be issued by the Government shortly.”

8. Therefore, by recording the said statements in paragraph No.9 of the counter affidavit filed by the second respondent, the Writ Petition is disposed of.

9. The learned Additional Advocate General appearing on behalf of the respondents No.1 to 4 submitted that the first respondent has been engaged in the flood relief work, and hence, the first respondent may be



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exempted and the other respondents may be directed to complete the proceedings within a stipulated time as may be directed by this Court.

10. In view of the above, the respondents No.2 to 4 are directed to complete the proceedings, within a period of two months from the date of receipt of a copy of this order and intimate the same to the petitioners.

21.12.2023

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

klr

To:

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