



WEB COPY

W.P. No.30452 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.30452 of 2005

G.Venkatesan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary of Government
Adidraavidar and Tribal Welfare Department
Fort St. George, Chennai - 600 009

2. The Special Tahsildar
Land Acquisition
(Adi Dravidar Welfare)
Omalur Taluk, Salem District

3. The District Collector
Salem District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records relating to the 3rd respondent notice issued under Section 4(1) of the Land Acquisition Act 31/1978 R.O.C. No.78369/2000 dated 08.09.2001 published in Salem District Gazette on 20.09.2001 in S.No.133/1A, T.Maramangalam Village, Omalur Taluk and quash the same as illegal and without jurisdiction.

For Petitioner : Mrs.Padmaja Mohan

For Respondents : Mr.Ramanlaal
Additional Advocate General
assisted by Mr.R.P.Murugan Raja
Government Advocate

ORDER



The Writ Petition is filed seeking to issue a writ of Certiorari to call for the records relating to the 3rd respondent, notice issued under Section 4(1) of the Land Acquisition Act 31/1978, R.O.C. No.78369/2000, dated 08.09.2001, published in Salem District Gazette on 20.09.2001 in S.No.133/1A, T.Maramangalam Village, Omalur Taluk and quash the same as illegal and without jurisdiction.

2. The learned counsel for the petitioner submitted that the land proposed to be acquired is an agricultural land and it is the only livelihood of the petitioner and the Government can allot some other land, which is very well available.

3. Mr.Ramanlaal, learned Additional Advocate General, assisted by Mr.R.P.Murugan Raja, learned Government Advocate, submitted that since there was no stay in the writ petition staying the 4 (1) Notification and hence subsequent to the 4(1) Notification, 6(1) Notification was also completed. Thereafter, Award was also passed under Section 7(3) of the Tamil Nadu Land Acquisition for Harijan Welfare Scheme Act, on 04.03.2003 itself. The petitioner has not challenged the further notification and the Award. Therefore



when the Award is already passed, the 4(1) notification cannot be challenged.

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4. In view of the submissions made by the learned Additional Advocate General and since the Award was already passed, the prayer of the writ petition challenging 4(1) notification has become infructuous.

5. Accordingly, this Writ Petition is dismissed as infructuous. There shall be no order as to the costs.

06.12.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The Secretary of Government
Adi Dravidar and Tribal Welfare Department
Fort St. George, Chennai - 600 009

2. The Special Tahsildar
Land Acquisition
(Adi Dravidar Welfare)
Omalur Taluk, Salem District

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P.VELMURUGAN. J.

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