



WEB COPY

W.P.No.6919 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6919 of 2023

and

W.M.P.No.7022 of 2023

1.Thimmakka

2.Narayanappa

3.Seenappa

... Petitioners

Vs.

1.The District Collector,
Krishnagiri District,
District Collector Office,
Krishnagiri.

2.The Special Tahsildar,
Land Acquisition,
Adi Dravidar Welfare,
Krishnagiri.

3.A.Sivanna

4.Neelamma

5.Kavitha

6.Krishnappa

... Respondents



[R6 is impleaded as per order dated 09.08.2023 made in WMP.No.22133 of 2023 in WP.No.6919 of 2023]

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records relating to the 1st respondent's Notification dated 31.12.1998, under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 (Act 31 of 1978), in respect of our land measuring Hectares 0-94.5 Ares (2 Acres and 33 Cents) comprised in Survey No.72 of Komaranapalli Village, Denkanikottai Taluk, Krishnagiri District, and the consequential Award No.13/98-99, Na.Ka.986/98 dated 19.03.1999 passed by the Second Respondent herein, from the file of the respondents nos.1 and 2 herein to quash the same.

For Petitioners	: Mr.L.Chandra Kumar For Mr.G.M.Anantha Kumar
For R1 & R2	: Mr.G.Krishna Raja Additional Government Pleader
For R3 to R5	: Not Ready in Notice
For R6	: Mr.T.Elumalai

ORDER

The writ on hand has been instituted challenging the notification dated 31.12.1998, under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 (Act 31 of 1978), in respect of the land



measuring Hectares 0-94.5 Ares (2 Acres and 33 Cents) comprised in Survey No.72 of Komaranapalli Village, Denkanikottai Taluk, Krishnagiri District and the consequential Award No.13/98-99, Na.Ka.986/98 dated 19.03.1999 passed by the 2nd respondent.

2. The petitioners state that they are the owners of the subject property, which was acquired. There is a title dispute between two parties and the matter went up to Second Appeal, which was disposed of by the High Court. The fact remains that the 4(1) Notification was issued on 31.12.1998 and after following the procedures under the Land Acquisition Act, an award was passed on 19.03.1999.

3. Once an award is passed, the land vests with the Government and thereafter, if any dispute regarding title exists between the parties, the same is to be resolved only for the purpose of disbursing the amount of compensation determined by the Land Acquisition Officer. However, the notification of the year 1998 cannot be now challenged in the present writ petition after a lapse of about 25 years. Admittedly, an award has been passed.



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4. The learned counsel appearing on behalf of the impleading respondent relied on the judgment of the Hon'ble Division Bench of this Court in the case of **Ramalingam and Others vs. The State of Tamil, represented by the Secretary to Industries Department** reported in **2005 (3) CTC 1**, wherein, this Court held as follows:

*“3. In these appeals, the facts are that the Award under Section 11 of the Land Acquisition Act was given on 07.11.1996 whereas the writ petitions were filed on 28.11.1996, i.e. after the award was passed. It has been repeatedly held by the Supreme Court that no writ petition should be entertained after the award under the Land Acquisition Act has been passed – vide **Tej Kaur and others v. State of Punjab and others**, 2003 (4) SCC 485; **Municipal Council, Ahmed Nagar v. Shah Hyder Beig**, AIR 2000 SC 671; **Executive Engineer, Jal Nigam Central Stores Division, Uttar Pradesh v. Suresh Nand Jayal**, 1997 (9) SCC 224; **State of Tamil Nadu v. L.Krishnan and others**, 1996 (1) SCC 250. Following the aforesaid decision, we are of the opinion that the writ petition itself were not maintainable and they*



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should have been dismissed on this ground itself. Hence, the writ appeals are dismissed. Connected WAMP Nos.1595 to 1599 of 2005 are closed.”

5. In respect of the dispute between the parties, it is to be confined with reference to the compensation disbursed and the validity of the notification cannot be now challenged after passing of the award.

6. Earlier one Mr.S.Nanjappa from whom the writ petitioners claim rights, filed W.P.No.5928 of 1999, which was dismissed on 21.10.2008 and W.A.No.1380 of 2014 was filed. The Hon'ble Division Bench of this Court passed final orders on 28.02.2018 as follows:-

“6. The information furnished by the Registry indicates that the L.A.O.P.No.6 of 1999, has already been disposed of by the reference Court by award dated 16 August 2016. There is no question of directing the reference Court at this point of time to adjudicate the issue raised by the appellant on the strength of the decree in S.A.No.154 of 1994. It is always open to the appellants to challenge the award passed by the reference Court in case they are still aggrieved.



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The issue raised by the appellants cannot be decided in the proceedings arising out of the order passed in W.P.No.5928 of 1999. We are therefore of the view that the appellant must move the appellate Court against the award passed in L.A.O.P.No.6 of 1999. We grant liberty to the appellant to move the appellate Court against the award in L.A.O.P.No.6 of 1999. In case any such appeal is filed, the Appellate Court shall take note of the initiation of the writ petition in W.P.No.5928 of 1999 and the present appeal.”

7. However, the learned counsel for the petitioners made a submission that the said Mr.Nanjappa is no way connected with the present writ petitioners. But on seeing the judgment delivered in S.A.No.154 of 1994 dated 14.07.1997, the said Mr.Nanjappa is the 3rd respondent in the Second Appeal and the 2nd respondent deceased Mr.Muniyappa was also party to the Second Appeal. The present writ petitioners are the legal heirs of the 2nd respondent Mr.Muniyappa in the Second Appeal.

8. This being the factum, 4(1) Notification issued under the Land Acquisition Act on 31.10.1998 cannot be now challenged nor any relief can



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be granted after a lapse of 25 years from the date of acquisition. An Award was passed and the acquisition proceedings were completed in all respects long back and by raising certain grounds, the petitioners cannot attempt to reopen the entire acquisition proceedings, which is improper.

9. It is needless to state that once the acquisition proceedings are completed, the lands absolutely vest with the Government and thereafter the Government is empowered to deal with the properties in the manner known to law.

10. With these observations, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

09.08.2023
(2/2)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

1.The District Collector,
Krishnagiri District,
District Collector Office,
Krishnagiri.

2.The Special Tahsildar,
Land Acquisition,
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S.M.SUBRAMANIAM, J.

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