



WA No.1694 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.1694 of 2021
and CMP No.10786 of 2021

1. The Secretary to Government,
Adi Dravida and Tribal Welfare
Department, Secretariat,
Fort St. George, Chennai 600 009.
2. The District Collector,
Coimbatore District,
Coimbatore 641 018.
3. The Special Tahsildar,
Land Acquisition,
Harijan Welfare, Collectorate,
Coimbatore.

.. Appellants

-VS-

1. G.Dhandapani
2. K.D.Saroja
3. D.Bagya Venkatasubramanian
4. D.Madhanagopal

.. Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 13.11.2019 passed in W.P.No.22040 of 2013.



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For the Appellants : Mr.K.Karthik Jagannath
Govt. Advocate

For the Respondents : M/s.R.Revathi

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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.K.Karthik Jagannath, learned Government Advocate, for the appellants and M/s.R.Revathi, learned counsel for the respondents.

2. The present respondents/writ petitioners filed the writ petition challenging the letter dated 04.07.2013 of the first appellant herein. The respondents/petitioners sought directions against the appellants to hand over the remaining lands measuring 1.59 acres in S.No.517/2, Uppilipalayam Village, on removing the structure therein to the writ petitioners. The learned Single Judge allowed the writ petition quashing the proceedings dated 04.07.2013. Aggrieved thereby, the State has filed the present appeal.



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3. The learned Government Advocate appearing for the appellants submits that the notification under Section 4 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 was quashed in W.P.No.2593 of 1997 under order dated 02.04.2004 only to an extent of land in S.No.512/2 and not in respect of land bearing S.No.517/2. It is further submitted that the acquisition has been undertaken long back, as such, at a later stage, the respondents/petitioners could not have moved the Court. It is further submitted that the possession is also handed over to the Coimbatore Municipal Corporation pursuant to the acquisition.

4. The contention of the State that in an earlier writ petition bearing W.P.No.2593 of 1997, the Court only set aside the notification qua S.No.512/2 under its judgment and order dated 02.04.2004 is not borne out from the facts. The learned Single Judge has referred to the order dated 02.04.2004 passed by the Court in W.P.No.2593 of 1997. The said order does not restrict the notification under Section 4 to one particular land. The original writ petitioners have also placed on record a copy of the order dated 02.04.2004 in



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W.P.No.2593 of 1997. On perusal of the order, it is manifest that the notification under Section 4 of the Act is set aside in its entirety and not in part.

5. In light of the above, we do not find any error committed by the learned Single Judge while passing the impugned order.

The writ appeal as such is dismissed. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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(sra)

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