



W.P.No.21012 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.21012 of 2006

1.Dr.S.R.Krishnamoorthy

2.S.R.Narasimhan

3.Dr.S.R.Madhavia

... Petitioners

[All the petitioners represented by Power of Attorney
Agent R.Nagalakshmi]

versus

The State of Tamil Nadu
represented by its
Secretary to Government,
Backward Classes and Most Backward Classes
Welfare Department,
Secretariat, Chennai – 600 009.

.....Respondent

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondent to forthwith restore the land concerned situated in Survey No.10/10, Vannivedu Village, Walajah Taluk, North Arcot District, measuring an extent of 1.00.5 hectares to the petitioners by removing the allottees and others thereon.

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For Petitioners : Mr.P.K.Rajagopal
For Respondent : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondent to forthwith restore the land concerned situated in Survey No.10/10, Vannivedu Village, Walajah Taluk, North Arcot District, measuring an extent of 1.00.5 hectares to the petitioners by removing the allottees and others thereon.

2. The case of the petitioners is that they are the co-owners of the subject property. While so, the respondent issued Notification under Section 4(1) of the Land Acquisition Act, 1894 [hereinafter referred to as 'the Act'] published in the Gazette on 31.3.1993 to acquire the lands for the purpose of allotting house-sites to the house-less most backward class people. After conducting enquiry under Section 5-A of the said Act, the Declaration under Section 6 of the Act was made on 26.4.1994. Thereafter, the Award enquiry was conducted on 10.1.1995 and the Award was also passed on the same day. Challenging the same, the petitioners filed W.P.No.6589 of 1995 and

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this Court, by order dated 11.09.2001 allowed the Writ Petition and quashed the Land Acquisition Proceedings. As against the said order, the respondent filed Review Application No.102 of 2001 and the same was dismissed on merits by this Court on 08.02.2002. Challenging the same, the respondent has not filed any appeal. Though the respondent took possession of the land pursuant to the Land Acquisition Proceedings, however, they did not restore the possession of the subject property to the petitioners, after quashing of the Land Acquisition Proceedings by this Court. Hence, the petitioners made several representations to the respondent to restore the possession of the land, but there was no response from the respondent. In the meanwhile, the petitioners, executed Power of Attorney in favour of one R.Nagalakshmi, since the petitioners are away from India and they are permanently residing in U.S.A. Thereafter, the said Power of Attorney has given representations to the respondent for the relief as sought for in this writ petition. Since there was no response from the respondent, the present Writ Petition has been filed.

3. The learned Additional Government Pleader appearing for the



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respondent submitted that already Award has been passed and possession was also taken and that the land was allotted to the allottees/beneficiaries and Revenue records were also mutated in their names. The beneficiaries also took possession of the said land and also constructed buildings and they are residing and the nature of the land itself has been changed. The beneficiaries are continuing in the acquired land.

4. Heard both sides and perused the materials available on record.

5. It is seen that though the acquisition proceedings were quashed, the land was not restored to the petitioners, but instead beneficiaries are given the same and they are in possession. Since all the beneficiaries put up constructions as stated by the Government, the authority concerned is directed to issue fresh notification in the manner known to law and after giving an opportunity to the petitioners and conducting enquiry, pass appropriate orders on merits and in accordance with law. If the petitioners are willing for negotiation, the respondent/competent authority is directed to go for private negotiation and fix fair compensation under the Right to Fair



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Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To
The Secretary to Government,
State of Tamil Nadu
Backward Classes and Most Backward Classes
Welfare Department,
Secretariat, Chennai – 600 009.



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P.VELMURUGAN, J.

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