



WEB COPY



W.A.No.2839 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2839 of 2023

1.Thimmakka
2.Narayanappa
3.Seenappa

.. Appellants

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

PRAYER : Appeal under Clause 15 of the Letters Patent against the order dated 09.8.2023 in W.P.No.6919 of 2023 passed by the



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learned Single Judge.

For the Appellants : Mr.K.Sukumaran

For Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Spl. Government Pleader
for respondents 1 and 2

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.K.Sukumaran, learned counsel for the appellants; and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 and 2.

2. The appellants had filed a writ petition challenging the notification under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978. The learned Single Judge dismissed the writ petition.

3. Learned counsel for the appellants submits that there



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was dispute in respect of the writ land between the predecessor of the appellants and one Sivanna. The matter went up to the Second Appellate Court. The Court ruled against Sivanna. In spite of the said fact, the notice for acquisition was issued to Sivanna and not to the appellants. Though the government had referred the matter to the District Court for adjudication, no notice was issued to the appellants or the parents of the appellants. The rightful owners are deprived of the compensation and/or the property. As notice of acquisition was not issued to the appellants, the acquisition deserves to be quashed and set aside. The learned Single Judge failed to consider the said aspect.

4. The learned Single Judge has observed that the award was passed in the year 1999 and the same is sought to be assailed in the year 2023. It is not the case that the appellants or the predecessor of the appellants were not aware of the acquisition proceedings. Even the appellants had issued



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notice to the acquisition officer to drop the acquisition proceedings. A reference was also made and the Reference Court also passed an order in the year 2016. The paternal uncle of the appellants challenged the said award by filing W.P.No.5928 of 1999. The same was dismissed. He filed an appeal before the Division Bench, bearing W.A.No.1380 of 2014. The said appeal was also disposed of under order dated 28.2.2018, where the court observed that the appellant therein may move the Appellate Court to challenge the award passed in LAOP No.6 of 1999. Liberty was granted to the said appellant.

5. We do not find any error committed by the learned Single Judge while passing the impugned order.

6. However, in case the appellants today have some right or remedy available before any other forum, then it is for the appellants to avail the same in accordance with law.



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The writ appeal is disposed of accordingly. There will be no order as to costs. Consequently, C.M.P.Nos.23652 and 23653 of 2023 are closed.

(S.V.G., C.J.)

(D.B.C., J.)

18.10.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1.The District Collector,
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2.The Special Tahsildar,
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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