



W.A.No.1623 of 2018 and
W.P.No.15427 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. B.BALAJI

W.A.No.1623 of 2018 and

CMP No.13150 of 2018

and

W.P.No.15427 of 2010 & M.P.No.1 of 2010 and

MP Nos.1 to 3 of 2015 & 15780 of 2016

1. The State of Tamil Nadu,
rep. by the Secretary to Government of Tamil Nadu,
Revenue Department, Fort St. George,
Chennai -9.
 2. The Chairman and Managing Director,
Tamil Nadu Corporation of Industrial Development,
Greenways Road, Chennai.
 3. The District Collector, Dharmapuri District.
 4. The District Revenue Officer,
Dharmapuri District, Dharmapuri.
 5. The Special Tahsildar (LA), TACID Phase II Office,
Pochampalli, Uthangarai Taluk.
- ... Appellants

Vs.



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1. P.Palani
2. P.Perumal
3. A.Angammal
4. Periyannan

... Respondents

In W.P.No.15427/2010

1. P.Palani
2. P.Perumal
3. A.Angammal

... Petitioners

Vs.

1. The State of Tamil Nadu,
rep. by the Secretary to Government,
Revenue Department, Fort St. George,
Chennai -600 009.
2. The Chairman and Managing Director,
Tamil Nadu Corporation of Industrial Development,
Greenways Road, Chennai.
3. The District Collector, Krishnagiri District.
4. The District Revenue Officer,
Krishnagiri District.
5. The Special Tahsildar (LA), TACID Phase II Office,
Pochampalli, Uthangarai Taluk.

... Respondents

Prayer in Writ Appeal: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by this Court in W.P.No.4105/2003 dated 26.02.2004.



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Prayer in Writ Petition: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to withdraw the proposed acquisition of the lands belonging to the petitioners in S.No.64/2B2, 64/2B3, 64/2C and 66 to the extent of 4.32 acres and 5 acres in Reddipatti Village, Oothangarai Taluk, Krishnagiri District and to release the lands of the petitioners from acquisition proceedings.

For Appellants in Writ Appeal : Mr.UM Ravichandran,
and respondents in writ petition Spl.Govt.Pleader

For Respondents in Writ Appeal
and petitioners in Writ Petition : Mrs.Arulmozhi

COMMON JUDGEMENT

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

This Intra Court Appeal has been filed by the Government, challenging the order passed by this Court in W.P.No.4105/2003 dated 26.02.2004, whereby the Writ Court has directed the Special Tahsildar (L & A), TACID phase II office, Pochampalli, Uthangarai Taluk to verify as to the ownership of the writ petitioners in respect of the lands and the survey numbers furnished in the writ petition and withdraw the compensation amount that has been deposited in respect of the land



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acquisition proceedings in question and pay it over to the writ petitioners. In addition to that, the Writ Court has directed the above said Tahsildar to pay the costs quantified in a sum of Rs.2000/- (Rupees two thousand only) from out of the pocket to each of the petitioners, within a period of 15 days from the date of receipt of production of a copy of the order.

2. The Writ Petition has been filed to direct the respondents to withdraw the proposed land acquisition belonging to the writ petitioners in S.No.64/2B2, 64/2B3, 64/2C and 66 to the extent of 4.32 acres and 5 acres in Reddipatti Village, Oothangarai Taluk, Krishnagiri District and to release the lands of the petitioners from acquisition proceedings.

3. The writ appeal and the writ petition are inter related with regard to the proceedings for acquisition of the above said lands. Hence, the matters were taken together for joint hearing and are disposed by way of this common judgment.



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4. As far as the Writ Appeal No.1623 of 2018 is concerned, a perusal of the grounds appeal shows that aggrieved by the one of the directions to the concerned Tahsildar, directing to pay cost of Rs.2,000/- to each writ petitioners, this appeal has been filed by the Government. Insofar as the other direction to the Special Tahsildar, viz., *to verify as to the ownership of the writ petitioners in respect of the lands and the survey numbers furnished in the writ petition and withdraw the compensation amount that has been deposited in respect of the land acquisition proceedings in question and pay it over to the writ petitioners* is concerned, the appellant/ Department is no way prejudiced by this direction. Therefore, the challenge is only as against the order for payment of costs. But, in our view, after discussing the matter elaborately, the Writ Court has passed the above order and hence, it does not require for any interference by this Court. Therefore, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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5. As far as the writ petition in W.P.No.15427/2010 is concerned, the learned counsel appearing for the writ petitioner seeks permission of this Court to withdraw the writ petition and to that effect, she has also made an endorsement. Further, she seeks liberty to approach the authorities concerned to seek remedy, in the light of the order passed by this Court in W.P.No.4105/2003 dated 21.01.2009.

5.1. Recording the submission and the endorsement made by the learned counsel for the appellant, the writ petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed. Liberty is granted to the writ petitioner to seek remedy before the authorities concerned.

(D.K.K.J.)

(P.B.B.J.)

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Internet: Yes/No

Index : Yes/No

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To

1. The Secretary to Government, State of Tamil Nadu,
Revenue Department, Fort St. George,
Chennai -9.
2. The Chairman and Managing Director,
Tamil Nadu Corporation of Industrial Development,
Greenways Road, Chennai.
3. The District Collector, Krishnagiri District.
4. The District Collector, Dharmapuri District.
5. The District Revenue Officer, Krishnagiri District.
6. The District Revenue Officer, Dharmapuri District.
7. The Special Tahsildar (LA), TACID Phase II Office,
Pochampalli, Uthangarai Taluk.
8. The Chief Administrative Officer/Construction,
Southern Railway, Office of CAO, Construction,
Egmore, Chennai 600 008.



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and
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