



W.P. (MD).Nos.20130 and 22383 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

WEB COPY

DATED: 13.12.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).Nos.20130 and 22383 of 2021
and WMP(MD)No.16837 of 2021

In W.P(MD)No.20130 of 2021:

1. Muthammal
2. K.M.Sakthivel
3. S.Gomathi
4. R.Sathya
5. P.Ganesan
6. K.Selvaraj
7. Kalimuthu,
8. Dinakar Singaravel
9. C.Nagarathinam
10. P.Saravanan
- 11.K.Veluchamy

... Petitioners



W.P. (MD).Nos.20130 and 22383 of 2021

Vs

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Director of Indian Medicine and Homeopathy,
Arignar Anna Valagam, Arumbakkam, Chennai.
3. The District Collector,
Dindigul District.
4. The Revenue Divisional Officer and Land Acquisition Officer,
Palani, Dindigul District.

... Respondents

In W.P(MD)No.22383 of 2021

- 1.P.Valliyammal
2. T. Murugan
3. V.Muthaiah
4. M. Kaliyappan
5. S. Rajendran
6. M. Dhanalakshmi
7. P. Ganesan
8. M. Ganesan
9. A. Sivaraman
10. M. Pitchaiyammal



W.P. (MD).Nos.20130 and 22383 of 2021

11. K.Natrayan
12. B.Natchammal
13. T. Rathinam
14. M. Natchimuthu
15. R. Karthikeyan
16. P. Uchimuthu
17. A. Jeeva
18. S.Ramachandrapandiyan
19. K. Sudanthira
20. T. Periyasamy
21. V. Subramaniyan

... Petitioners

Vs

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Director of Indian Medicine and Homeopathy,
Arignar Anna Valagam, Arumbakkam, Chennai.
3. The District Collector,
Dindigul District.
4. The Revenue Divisional Officer and Land Acquisition Officer,
Palani, Dindigul District.



W.P. (MD).Nos.20130 and 22383 of 2021

*5.The Executive Officer,
Joint Commissioner,
Arul Mighu Dandayuthapani Swami Temple,
Palani, Dindigul District.

(*R5 impleaded as per order of this Court in
WMP(MD)No.25583 of 2023, dated 13.12.2023)

... Respondents

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to impugned notification issued under Sec.4(1) of the land Acquisition Act and approved by 1st respondent in G.O.Ms.No.60, Indian Medicine and Homeopathy Department, dated 23/06/1988 published in Tamil Nadu Government Gazette, dated 17/08/1988 and impugned declaration issued under Sec.6 of the Land Acquisition Act in G.O.Ms.No.1495, Health Indian Medicine and Homeopathy Department, dated 11/08/1989, and published in Tamil Nadu Government Gazette dated 16/08/1989, quash the same and consequently direct the respondents herein to transfer and restore the respect lands belonging to the petitioners in their favour with grant of patta.

In both the petitions:

For Petitioners : Mr.S.R.Suresh Kumar

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader



WEB COPY



W.P. (MD).Nos.20130 and 22383 of 2021

COMMON ORDER

The issues involved in both the writ petitions pertains to the challenge made to the Sec.4(1) Notification issued under the Land Acquisition Act dated 23.06.1988, which was published in the Government Gazette on 17.08.1988 and the consequent declaration under Section 6 of the Land Acquisition Act Act, dated 11.08.1989, which was published in Tamil Nadu Gazette on 16.08.1989 and for a consequential direction to the respondents to re-convey the lands belonging to the petitioners.

2. When the matter came up for hearing on 07.12.2023, this Court has passed the following order:

“The acquisition proceedings are challenged only on the ground that the lands remains unutilized for more than 33 years.

2. The learned Additional Government Pleader appearing on behalf of the official respondents submitted that the land is now under the control and administration of Arulmigu Dhandayuthapani Swamy Temple, Palani in order to



W.P. (MD).Nos.20130 and 22383 of 2021

construct Arulmigu Palaniyandavar Siddha Medicine College and Bogar Research Centre.

3. The learned counsel appearing for the petitioner seeks for sometime.

4. Post this case under the caption 'part-heard cases' on 13.12.2023."

3.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

4.In the considered view of this Court, there is no scope for interfering with the notification issued under Section 4(1) of the Land Acquisition Act and declaration under Section 6 of the Land Acquisition Act at this length of time.

5.The only other relief that has been sought for by the petitioners is for reconveyance of the lands that were acquired from them, on the ground that it has not been utilised for the purpose, for which, the same were acquired. On this ground, the petitioners have made representations to the respondents on 22.01.2018. At the best, the



W.P. (MD).Nos.20130 and 22383 of 2021

respondents can be directed to deal with the representations and convey the decision to the petitioners.

6.In the result, these writ petitions are disposed of with a direction to the first respondent to deal with the representations made by the petitioners on 22.01.2018 and convey the decision to the petitioners, within a period of eight weeks from the date of receipt of copy of this order. The petitioners are directed to make fresh representations to the first respondent along with the relevant documents and a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

13.12.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM



W.P. (MD).Nos.20130 and 22383 of 2021

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Director of Indian Medicine and Homeopathy,
Arignar Anna Valagam, Arumbakkam, Chennai.
3. The District Collector,
Dindigul District.
4. The Revenue Divisional Officer and Land Acquisition Officer,
Palani, Dindigul District.
5. The Executive Officer,
Joint Commissioner,
Arul Mighu Dandayuthapani Swami Temple,
Palani, Dindigul District.



WEB COPY



W.P. (MD).Nos.20130 and 22383 of 2021

N.ANAND VENKATESH, J.

PNM

**COMMON ORDER IN
W.P. (MD).Nos.20130 and 22383 of 2021
and WMP(MD)No.16837 of 2021**

13.12.2023