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W.P.No.15273 of 2004 etc. batch

uIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.Nos.15273 to 15277 of 2004 and 16079 and 16080 of 2004
and
W.M.P.Nos.18137, 18139, 18141, 18143, 19044 & 19064 of 2004

[W.P.No.15273 of 2004]

R.Ponnusamy

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary,
Revenue Department, Chennai-9

2. The District Collector
Karur

3.The Special Tahsildar, (Land Acquisition),
Master Plan Project Complex,
Karur

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Certiorari or any other appropriate Writ
order or direction in the nature of the writ calling for the records of the
Respondents relating to Section 4(1) Notification in GO.MS.No.452,
Revenue, dated 03.06.21998 published at page 8 of Extraordinary Issue of



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Part II Section 2 of Tamil Nadu Government Gazette dated 04.06.1998 and Section 6 Declaration in GO.Ms.No.519, Revenue, dated 17.06.1998 published at page 1 of Extraordinary Issue of Part II Section 2 of Tamil Nadu Government Gazette dated 17.06.1998 in respect of Survey No.738/2 of Thanthoni Village, Karur Taluk, Karur District and quash the same in so far as they relate to the land of the petitioner herein and pass such further or other orders as it may deem fit.

For Petitioner : M/s.K.Doraisamy, Senior Counsel
for M/s.Kandavadivel Doraisami in all the
Writ Petitions.

For Respondents : M/s.A.Selvendran, Special GP,
for R1 to R3. in all the Writ Petitions.

COMMON ORDER

The above Writ Petitions are filed to call for the records of the Respondents relating to Section 4(1) Notification in GO.MS.No.452, Revenue, dated 03.06.21998 published at page 8 of Extraordinary Issue of Part II Section 2 of Tamil Nadu Government Gazette dated 04.06.1998 and Section 6 Declaration in GO.Ms.No.519, Revenue, dated 17.06.1998 published at page 1 of Extraordinary Issue of Part II Section 2 of Tamil Nadu Government Gazette dated 17.06.1998 in respect of Survey No.738/2 of Thanthoni Village, Karur Taluk, Karur District and quash the same in so



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far as they relate to the land of the petitioner herein.

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2. This Court, in the case of ***N. Perumal Gounder and others vs. The Commissioner and Secretary to the Government of Tamil Nadu and another*** in ***W.P.No.9140 of 1998 batch*** dated 09.12.2009, wherein the very same Government Notification which is the subject matter of the instant writ petitions was challenged, had passed the following orders:-

"5. The learned Judge also considered the other points raised in the said Writ Petition and ultimately the Writ Petition was allowed and the entire acquisition proceeding was quashed. The Respondents were given liberty to issue fresh notification. Since the very notification impugned in these Writ Petition has already been quashed by the learned Judge as per Order dated 27.07.2009 in W.P. No. 19889 of 1999 there is nothing to be adjudicated in these Writ Petitions. Accordingly by following the Judgement cited supra, the impugned notification is quashed.

6. The Writ Petitions are allowed with liberty to initiate fresh land acquisition proceedings, if the



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Respondents are so advised. No cost."

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3. These orders were challenged unsuccessfully right up to the Hon'ble Supreme Court. Therefore, in the light of the above, the Writ Petitions are allowed and the acquisition proceedings which have been already quashed by this Court in W.P.No.9140 of 1998 shall enure to these Writ Petitions as well. No costs. Consequently, the connected Miscellaneous Petitions are closed.

08.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

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