



WEB COPY



W.A.No.509 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.509 of 2015

The State of Tamil Nadu,
Rep. by Secretary to Government,
Housing and Urban Development,
Department,
Fort St.George,
Chennai – 600 009.

... Appellant

Vs.

1. E. Thulasi
2. The Special Deputy Collector (Land Acquisition), Chennai Metropolitan Development Authority,
Gandhi -Irwin Road, Egmore,
Chennai – 600 008.
3. The Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
Gandhi-Irwin Road, Egmore,
Chennai – 600 008.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by the Learned Judge in W.P.No.41584 of 2002 dated 01.07.2013.



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For Appellants : Mr.A.Selvendran
Special Government Pleader

For R1 : No appearance
For R2 & R3 : Given up

J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ order quashing Section 4(1) Notification and the subsequent Section 6 Declaration and the award is under challenge in the present writ appeal.

2. The State preferred the appeal on hand.

3. Notice has been issued to all the respondents. As far as the 1st respondent is concerned, substituted service was effected. The 2nd and 3rd respondents have given up. Thus, we have taken up the writ appeal for final hearing.

4. Mr.A.Selvendran, learned Special Government Pleader would



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submit that the land at Koyambedu, Chennai has been acquired for developing “Mid West Madras Neighbourhood Land Development Scheme.”

Accordingly, Section 4(1) Notification was issued in G.O.Ms.No.429. The procedures as contemplated under the Acquisition Act has been followed. Section 6 Declaration was issued by the competent Authority in G.O.Ms.No.54 dated 02.02.2000. Section 6 Declaration was published in the Tamil Nadu Government Gazettee on 02.02.2000 and thereafter, award was passed in Award No.3 of 2001 dated 05.12.2001.

5. The compensation determined were deposited before the competent Court. The writ Court after completion of entire process of land acquisition quashed Section 6 Declaration order and the award and further direction was issued to the appellant to withdraw the deposited amount from the Civil Court. Such an order passed by the writ court is not in consonance with the settled principles in acquisition proceedings. Once the acquisition proceedings have been completed in all respects and an award has been passed and the compensation determined by the Land Acquisition Officer has been deposited in the Civil Court, quashing of Section 6 Declaration would not arise at all. That apart, reasoning given by the learned Single Judge in the



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order impugned is running counter to the legal position settled by the Constitutional courts across the country.

6. We have not chosen to deal with each and every reason stated by the writ court, since such reasons are already considered by the courts and settled in catena of judgments. Admittedly, award was passed in Award No.3 of 2001 dated 05.12.2001 and the compensation has been deposited in the Civil Court. That being the factum, the land owners are at liberty to submit an appropriate application for withdrawal of the compensation amount. They are at liberty to seek enhancement of compensation, if they chosen to do so. However, the acquisition proceedings set aside by the writ court is infirm and not in consonance with the settled legal principles. Consequently, the writ order dated 01.07.2013 in W.P.No.41584 of 2002 is set aside and the Writ Appeal stands **allowed**. No costs.

[S.M.S., J.] [C.K., J.]
21.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To
1. The Special Deputy Collector (Land

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Acquisition), Chennai Metropolitan
Development Authority,
Gandhi -Irwin Road, Egmore,
Chennai – 600 008.

2. The Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
Gandhi-Irwin Road, Egmore,
Chennai – 600 008.
3. The Secretary to Government,
Housing and Urban Development
Department,
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