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W.A.Nos.7 & 677 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

W.A.Nos.7 & 677 of 2009

and

M.P.Nos.1 & 1 of 2009

W.A.No.7 of 2009 :

V.Sikappi

... Appellant

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Housing Urban Development Department,
Fort St. George, Chennai – 600 009.

2.The Revenue Divisional Officer
cum Land Acquisition Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tamil Nadu Housing Board
Represented by its Engineer & Administrative Officer,
Ramanathapuram Housing Unit,
Ramanathapuram – 623 501.

... Respondents



W.A.Nos.7 & 677 of 2009

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.10.2008 in W.P.No.11841 of 2004 on the file of this Court.

W.A.No.677 of 2009 :

S.Krishnan Pillai

... Appellant

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Housing Urban Development Department,
Fort St. George, Chennai – 600 009.

2.The Revenue Divisional Officer
cum Land Acquisition Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tamil Nadu Housing Board
Represented by its Engineer & Administrative Officer,
Ramanathapuram Housing Unit,
Ramanathapuram – 623 501.

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.10.2008 in W.P.No.11846 of 2004 on the file of this Court.

For Appellant : Mr.A.S.Mujibar Rahman
in both appeals



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For R1 and R2 : Mr.A.Selvendran
Special Government Pleader
in both appeals

For R3 : Mr.R.Ramanlaal
Additional Advocate General
assisted by Mr.M.Arun Kumar
Standing Counsel
in both appeals

COMMON JUDGMENT

(Judgment was delivered by **S.S. SUNDAR, J.**)

These Writ Appeals are directed against the common order of the learned Single Judge dated 24.10.2008 made in W.P.Nos.11841 and 11846 of 2004.

2.These Writ Appeals arise against the land acquisition proceedings initiated by the Government for the purpose of Tamil Nadu State Housing Board. The appellants are the writ petitioners who challenged the acquisition proceedings vide notification in G.O.Ms.No.754, Housing and Urban Development Department, dated 24.11.1992 and declaration under Section 6 of the Land Acquisition Act vide G.O.Ms.No.91, Housing and



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Urban Development Department, dated 10.02.1994. The contention of the petitioners in the writ petitions is that the acquisition proceedings had lapsed on account of the fact that no Award was passed within the period prescribed under proviso to Section 11-A of the Land Acquisition Act. Even though several other grounds were raised in the writ petitions, the writ petitioners/appellants in these Appeals have confined their arguments only by relying upon Section 11-A of the Land Acquisition Act.

3.Learned Single Judge of this Court dismissed the writ petitions relying upon similar orders passed in earlier writ petitions, after referring to the counter affidavit filed by the respondents in the writ petitions. Challenging the same, the above Writ Appeals are preferred by the writ petitioners.

4.From the order that was passed by the learned Single Judge, the relevant dates and events have been extracted, as it was done in the order that was relied upon by the learned Single Judge. This Court has also gone through the records and found the following facts :



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WEB COPY Notification under Section 4(1) of the Land Acquisition Act vide

G.O.Ms.No.754 is dated 24.11.1992. The notification was published in the Government Gazette on 23.12.1992. The notification was published in two newspapers on 11.12.1992 and on 13.12.1992. The notification was also published in the locality on 15.02.1993. After hearing the objections, enquiry was conducted on 23.03.1993 and the report of the Enquiry Officer is on 09.10.1993. After the proceedings under Section 5-A was communicated on 23.10.1993, declaration under Section 6 of the Act vide G.O.Ms.No.91 was issued on 10.02.1994. The declaration under Section 6 was published in Government Gazette on 11.02.1994. The declaration was also published in two daily newspapers on 12.02.1994 and on 15.02.1994. The declaration was published in the locality on 15.02.1994. It is not in dispute that Award was passed on 28.03.2003.

5.On the admitted facts, this Court finds that acquisition proceedings was stayed in a writ petition originally by order dated 09.04.1994. Even though the said writ petition was dismissed by order dated 01.03.2001, the



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stay granted in other batch of cases was continued till 13.06.2001 when the second batch of cases was dismissed. Excluding the time where stay was in force, this Court has calculated and found that the Award is well within the time. Therefore, the only contention that was raised by the appellants before this Court, cannot be countenanced.

6.As a result, these Writ Appeals are dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (P.D.B., J.)
12.12.2024

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Internet : Yes
Index : Yes
Neutral Citation : Yes



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To
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- 1.The Secretary,
State of Tamil Nadu,
Housing Urban Development Department,
Fort St. George, Chennai – 600 009.
- 2.The Revenue Divisional Officer
cum Land Acquisition Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Engineer & Administrative Officer,
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S.S. SUNDAR, J.
and
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