



W.A.No.2187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

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1.K.S.Prabhakaran

2.S.Radhammal

3.S.Ganesh

4.Nagarathinam

5.Kalaiselvi

6.S.Thejas Surya

(Represented by their power of attorney
holder N.Vannamayil)

.. Appellants

Vs

1.The District Collector,
Vellore District,
Vellore.

2.The Special Tahsildar,
Adi Dravidar Welfare,
Gudiyatham,
Vellore District.

Respondents

..

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 26.8.2019 passed by the learned Single Judge in



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For the Appellants : Mr.D.Rajagopal

For the Respondents : Mr.M.Habeeb Rahman
Government Advocate

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

Challenging the order of the learned Single Judge dated 26.8.2019 passed in W.P.No.10128 of 2010 dismissing the writ petition, the unsuccessful writ petitioners have filed the present writ appeal.

2. The appellants have filed the writ petition calling into question the notification for acquisition dated 4.3.1997 issued by the second respondent. The learned Single Judge dismissed the writ petition as not maintainable, *inter alia*, holding that the possession of the land was taken from the appellants and was distributed to the beneficiaries and, subsequently, patta was also issued in favour of the beneficiaries.



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3. Assailing the order of the learned Single Judge, learned counsel for the appellants submitted that physical possession of the land in question has not been taken by the authorities and the learned Single Judge failed to see that the authorities have not followed the mandatory procedure while acquiring the property.

4. Learned counsel for the appellants further submitted that the learned Single Judge ought to have considered the fact that acquisition proceedings relating to the appellants' adjacent land acquired for the same purpose, vide the same notification, has been quashed by this Court on the ground of non-application of mind.

5. Learned counsel for the appellants added that the possession said to have been taken by the authorities is only a symbolic possession. Though the appellants have produced materials to prove their case, the learned Single Judge failed to appreciate the same and rejected the writ petition on flimsy grounds. He thus prayed for setting aside the order of the learned



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Single Judge.

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6. Supporting the order of learned Single Judge, learned Government Advocate appearing for the respondents submitted that after proper appreciation of the material records, the learned Single Judge dismissed the writ petition and, therefore, no interference is called for.

7. We have considered the rival submissions and also perused the materials available on record.

8. It is the case of the appellants before the writ court that they are the owners of the property in Survey No.79/2B measuring an extent of 2.3 acres and the respondent authorities initiated acquisition proceedings under Act 31 of 1978 in respect of the land in Survey No.82/1 measuring an extent of 1.01 hectare for providing house sites to Harijans. It is also the case of the appellants that writ petition, being W.P.No.9923 of 1999, was filed by the appellants to forbear the respondents from in any manner



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interfering with the peaceful possession of the appellants property measuring an extent of 2.3 acres in Survey No.79/2B without due process of law. The said writ petition, subsequently, came to be withdrawn with liberty to approach the authorities under the Right to Information Act. Thereafter, the appellants sent representations under Right to Information Act requesting to furnish the Gazette notification and after getting copy of the notification, they have filed the writ petition.

9. Admittedly, notification for acquisition was issued in the year 1997 and enquiry under the relevant Act was conducted by the authorities and thereafter an award was passed on 27.03.1997. Since the appellants have not turned up for the enquiry, the compensation amount of Rs.1,34,429/- was ordered to be deposited in Sub-Court, Vellore. After taking over possession of the acquired land and after forming a layout, the authorities have issued pattas to the beneficiaries on 20.12.1998. However, the appellants have approached this Court only in the year 2010 challenging the acquisition though they knew about the acquisition proceedings in



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the year 1999. Thus, as rightly held by the learned Single Judge, the writ petition suffers from delay and laches.

10. On a perusal of the order of the learned Single Judge, we find that the learned Single held that after the approval of the layout and issuance of pattas in favour of the beneficiaries, the writ petition has been filed and, therefore, the same is not maintainable. We are also of the view that once pattas are issued in favour of the beneficiaries after acquisition, the same cannot be assailed by the land owners, that too, after a gap of 13 long years. Hence, the writ petition is liable to be dismissed on the ground of laches. Therefore, the impugned order of the learned Single Judge is perfectly correct and no valid grounds have been made out to interfere with the same. However, we make it clear that if the appellants still claim that the acquired land is not utilised by the authorities, then they are at liberty to approach the authorities concerned under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



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11. With the aforesaid observations, the writ appeal is dismissed. There shall be no order as to costs. Consequently, C.M.P.No.15468 of 2024 is closed.

(D.K.K., ACJ.) (K.B., J.)
02.08.2024

Index : Yes/No
NC : Yes/No
bbr

To

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Vellore District,
Vellore.

2.The Special Tahsildar,
Adi Dravidar Welfare,
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