



W.A.No.342 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.01.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.A.No.342 of 2020
and
C.M.P.No.5735 of 2020**

Chinnammal

... Appellant

-Vs-

1. The Special Tahsildar,
(Land Acquisition),
Harijan Welfare Scheme,
Ariyalur Taluk,
Perambalur District.
2. The District Collector,
Perambalur District,
Perambalur.
3. The Government of Tamil Nadu,
Represented by its Secretary,
Department of Adhi Dravida Welfare,
Fort St.George,
Chennai - 600 009.

... Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent, to set aside the order dated 19.08.2019 made in W.P.No.11663 of 2005.



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For Appellant : Mr.M.Kamalanathan
For Respondents : Mr.R.Kumaravel
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This writ appeal has been directed against the order passed by the writ Court dated 19.08.2019 made in W.P.No.11663 of 2005.

2. The writ petition was filed challenging the Award No.3/2004-2005 dated 29.11.2004 passed by the first respondent and to quash the same.

3. The said writ petition came to be dismissed by the writ Court on the ground that, 4(1) notification of land acquisition proceedings has never been challenged, therefore, the learned Judge has dismissed the writ petition by giving the following reasons:

"5. On perusal of the records, it appears that the petitioner's land was acquired for the purpose of providing house sites to the Adi Dravidar Welfare People. Accordingly, 4(1) notification was issued to the petitioners and thereafter, enquiry was conducted on 13.08.2003. After receipt of the recommendation from the Tashildar, the



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District Collector has passed 4(1) notification on 30.09.2004. After conducting the enquiry, the Award was passed on 29.11.2004. However, the petitioners have challenged the Award without challenging the 4(1) notification. The same is not permissible. The Award is a consequential one. Without challenging the 4(1) notification, challenging the Award is impermissible.

6. In view of all the above, the present writ petition stands dismissed and liberty is granted to the petitioner to challenge the 4(1) notification in accordance with law. No costs. Consequently, connected miscellaneous petition is closed. "

4. As against which, though this appeal has been filed, the learned counsel appearing for the appellant would contend that, 4(1) notification issued by the erstwhile Perambalur District presently Ariyalur District is not readily available with him, therefore, it will take sometime to access 4(1) notification and he will challenge it.

5. When that being so, the reason stated by the writ Court in dismissing the said writ petition in the impugned order does not consider to be a flawed one, therefore, we are not inclined to interfere with the said order, therefore, the writ appeal fails and hence, it is liable to be dismissed. While dismissing the



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writ petition, the liberty given by the learned Judge to the writ petitioners /

appellant to challenge 4(1) notification is sustained. With that liberty, we feel

that, this appeal can be dismissed and accordingly, this writ appeal is dismissed

with the aforesaid liberty. However, there shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (K.B., J.)
18.01.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



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