



Review Application Writ (MD) No.15 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.02.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

Review Application Writ (MD) No.15 of 2024

in

W.M.P.(MD)No.23775 of 2023

in

W.P.(MD) No.1404 of 2022

and

W.M.P.(MD).No.2209 of 2024

S.Mummoorthy

... Review Petitioner/1st Respondent/ Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar -626 002.

2.The Tahsildar,
Kariapatti Taluk,
Kariapatti-626 106,
Virudhunagar District.

3.The Block Development Officer,
(Village Panchayats),
Block Development Office,
Kariapatti-626 106,
Virudhunagar District.



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4.The Secretary,
Arasakulam Panchayat,
Arasakulam-626 115,
Kariapatti Panchayat Union,
Virudhunagar District.

5.Naga Chanderan

6.M.Rajendran

7.Velmurugan ... Respondents

Prayer :- Review Application filed under Order 47 Rule 1 & 2 read with Section 114 of C.P.C., praying to review the order passed by this Hon'ble Court in W.M.P.(MD)No.23775 of 2023 in W.P.(MD)No.1404 of 2022 dated 24.11.2023 and allow the present Review Application.

For Petitioner : M/s.J.Anandhavalli

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader,
(for R1 to R3)

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The review petition has been instituted to review the order dated 24.11.2023 passed in W.M.P(MD)Nos.23773 to 23775 of 2023 in W.P. (MD) No.22843 of 2021 and 1403 & 1404 of 2022.



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2. The order in the writ petition was passed by the Division Bench on 28.06.2023. An observation was made in the writ order that *“if the land acquisition is not completed within a period of four (4) months from today, the petitioners will be at liberty to remove the road and the Revenue Authorities shall not interfere in such removal”*.

3. Since the acquisition proceedings were unable to be completed within the period of four (4) months as stipulated in the final order dated 28.06.2023, the District Collector filed a miscellaneous petition in W.M.P. (MD)No.23773 to 23775 of 2023, seeking extension of time to complete the acquisition proceedings.

4. We have considered the reasons furnished by the State for grant of extension of time to complete the acquisition proceedings. Consequently, further extension of four (4) months was granted by us, by order dated 24.11.2023. The learned counsel for the review petitioner Smt.J.Anandhavalli would submit that since four (4) months time was further extended by this Court, the findings in the original order, dated 28.06.2023, that the “Petitioners will be at liberty to remove the road” is



taken away. It is contended that the review petitioners have already removed the road and taken possession of the subject land on 01.11.2023.

5. De hors, the action taken by the review petitioners, the Government is empowered to acquire the land for public good, even in the absence of an order from the Court of law. Thus, the power conferred under the land acquisition laws, which is unfettered, cannot be taken away by the Court merely because further time was granted to complete the acquisition proceedings. Even after taking possession of the subject land by the petitioners, the Government is empowered to continue the land acquisition proceedings and conclude the same and take possession and utilise the land for public purposes.

6. Therefore, the ground raised in the review petition is untenable and this Court has granted extension of time, not to curtail the Government to complete the land acquisition proceedings, but enabling the Government to expedite the proceedings. That being the scope of the order, if the Government has decided to continue the acquisition proceedings and to take possession of the subject property, they are bound to do so by following the procedures as contemplated under the relevant statutes and rules in force.



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7. Therefore, the grounds raised in the review petition are neither candid nor convincing. Thus, we are not inclined to entertain the review petition. Since this Court extended the time for acquisition of the subject lands, the petitioner is at liberty to challenge the proceedings if he has so advised to do so.

8. With these clarifications, the review petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.)

(V.L.N.,J.)

22.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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