



W.A.(MD) No.366 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Fourth day of September Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN
and
The Hon`ble Mr.Justice MOHAMMED SHAFFIQ

C.M.P.(MD) Nos.11985 to 11987 of 2024
in

W.A.(MD) No.366 of 2019

A.S.ARUNACHALA NADAR (DIED)

1 A.AVUDAIYAMMAL,

2 ARUMUGATHAI

3 SUNDARAVADIVEL

4 N.MURUGESWARI

5 A.SAKTHI VINAYAGAR PERUMAL

6 A.SAKTHEESWARAN

7 S.SIVAKAMI

8 A.KANTHAPPAN ... PETITIONERS/PROPOSED APPELLANTS 2 TO 9

Vs

1 THE GOVERNMENT OF TAMIL NADU
REPRESENTED BY ITS SECRETARY,
BACKWARD CLASSES AND MOST BACKWARD CLASSES
WELFARE DEPARTMENT,
CHENNAI 600 009.

<https://www.mhc.tn.gov.in/judis>



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2 THE DISTRICT COLLECTOR,
VIRUDHUNAGAR DISTRICT,
VIRUDHUNAGAR.

3 THE SPECIAL TAHSILDAR (ADI DRAVIDAR WELFARE),
SRIVILLIPUTTUR,
VIRUDHUNAGAR DISTRICT.

... RESPONDENTS/RESPONDENTS

Prayer in CMP(MD). 11985/ 2024 :

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Condone the delay of 520 days in filing the petition to set aside the abatement caused due to the death of the sole appellant namely A.S.Arunachala Nadar on 28.10.2022 in WA(MD). No.366 of 2019 and thus render justice.

Prayer in CMP(MD). 11986/ 2024 :

To set aside the abatement caused due to the death of the sole appellant namely A.S.Arunachala Nadar on 28.10.2022 in WA(MD). No.366 of 2019 and thus render justice.

Prayer in CMP(MD). 11987/ 2024 :

To Bring on record the petitioners/proposed appellants 1 to 8 as legal heirs of deceased appellant namely A.S.Arunachala Nadar and rank them as appellants 2 to 9 in the above Writ Appeal in WA(MD). No.366 of 2019.

Prayer in WA(MD). 366/2019:

Pleased to set aside the order dated 29.10.2018 made in WP(MD).No.12958 of 2017 and allow the Writ Appeal.

Prayer in WP(MD). 12958/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Declaration declaring that the acquisition of land in Survey No.762/2A of an extent of 0.52.5 Hectares in Ilanthiraikondan Village, Rajapalayam Taluk, Virudhunagar District being the subject matter of G.O.(3D) 97 Backward Classes and Most Backward Classes Welfare dated 27.7.1993 published in Tamil Nadu Gazette dated 18.8.1993 Part II Section 2 under Section 4 (1) of the Land Acquisition Act, 1894 as lapsed in view of Section 24 (2) of the Right to Fair



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Compensation and Transparency in land Acquisition, the respondents to reconvey the land in Survey No.762/2A of Ilanthirakondan Village, Rajapalayam Taluk, Virudhunagar District to the petitioner.

ORDER : These Civil Miscellaneous Petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.SASIKUMAR, Advocate for the petitioners in all the Petitions and of Mr.M.SARANGAN, Additional Government Pleader on behalf of the Respondents in all the Petitions, the court made the following order:-

(Order of the Court was made by P.VELMURUGAN,J)

These Petitions are filed (1) to condone the delay of 520 days in filing the petition to set aside the abatement caused due to the death of the sole appellant namely, A.S.Arunachala Nadar on 28.10.2022(2) to set aside the abatement caused due to the death of the sole appellant namely, A.S.Arunachala Nadar on 28.10.2022 and (3) to bring on record the Petitioners/proposed appellants 1 to 8 as legal heirs of the deceased sole appellant namely, A.S.Arunachala Nadar and rank them as appellants 2 to 9 in the above Writ Appeal.

2, Heard the learned counsel appearing on either side and perused the materials placed before this court.

3. Since the legal heirs of the deceased sole appellant has been impleaded as appellants in the place of deceased sole appellant, the delay is condoned and the Petition is ordered. Consequently, Petition to set aside the abatement and to bring on record the legal representatives of the deceased sole appellant are ordered.



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4.Registry is directed to carry out necessary amendment in the cause title.

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The learned counsel for the appellants is directed to file the amended copy of the memorandum of grounds of appeal. List the matter on 15.10.2024.

sd/-
24/09/2024

/ TRUE COPY /

/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSN
TO
1 THE SECRETARY,
GOVERNMENT OF TAMIL NADU
BACKWARD CLASSES AND MOST BACKWARD CLASSES
WELFARE DEPARTMENT,
CHENNAI 600 009.

2 THE DISTRICT COLLECTOR,
VIRUDHUNAGAR DISTRICT,
VIRUDHUNAGAR.

3 THE SPECIAL TAHSILDAR (ADI DRAVIDAR WELFARE),
SRIVILLIPUTTUR,
VIRUDHUNAGAR DISTRICT.

COPY TO:
1 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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2 MR.V.SASIKUMAR,
ADVOCATE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
CELL No.94437 95959.

ORDER
IN
CMP(MD) No.11985 of 2024
Date :24/09/2024

SA/JGB/SAR. /01.10.2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.