



W.P.No.12313 of 1996

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 17.02.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.12313 of 1996

1.S.Kanakaraj
2.P.Ramasamy
3.Rajalakshmi
4.M.Subbanna Gounder

.... Petitioner

Vs

1.The Government of Tamil Nadu
Rep by its Housing and Urban
Development Department
Fort St.George
Madras - 9.

2.The Land Acquisition Officer
and Special Tahsildar
(Land Acquisition)
Housing Scheme Unit I,
Coimbatore.

3.The Tamil Nadu Housing Board
Coimbatore Housing Unit
Peelamedu, Coimbatore.
[R3 suo motu impleaded vide order of
this Court dated 17.02.2025]

.... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent relating to the notifications made under Sec.4(1) of the Land Acquisition Act in G.O. Ms.No.679, Housing and Urban Development Department, dated 18.04.1991, and the subsequent declaration made under Section 6 in G.O.Ms.No.252, Housing and Urban Development Department, dated 19.05.1992 and quash the same insofar as the petitioner's lands are concerned, and pass such further or other orders as this Court may deem fit and proper in the circumstances of this case.

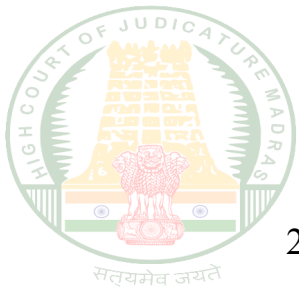
For Petitioners : Mr.K.Muthukumaraswami

For Respondents : Mr.P.Sathish
Additional Government Pleader [R1 &R2]

Mr.V.Gunasekar
Standing Counsel for R3

ORDER

The Tamil Nadu Housing Board, Coimbatore Housing Unit, Peelamedu, Coimbatore, is suo motu impleaded as third respondent in this writ petition. Mr.V.Gunasekar, learned Standing Counsel takes notice on behalf of the impleaded third respondent.



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2.This writ petition has been filed challenging the proceedings / notification issued under Section 4(1) of the Land Acquisition Act, 1894, by the first respondent in G.O.Ms.No.679, Housing and Urban Development Department, dated 18.04.1991 and also the subsequent declaration issued under Section 6 of the Act, dated 19.05.1992.

3. When the matter came up for hearing on 10.02.2025, this Court passed the following order :

"There is no appearance on the side of the petitioners.

2. An earlier order was passed by this Court on 09.7.2003 wherein it has been mentioned that this writ petition pertains to acquisition for neighborhood scheme and that the same issue was raised in a batch of writ petitions in W.P.No.12212 of 1994 etc. cases and hence, this writ petition was directed to be posted along the said batch of cases. Unfortunately, this writ petition was left out from that batch. The said batch of cases was allowed by a common order dated 03.3.2022.

3.In view of the above, the learned Additional Government Pleader shall get instructions as to whether the common order passed in the said batch of cases will enure in favour of the petitioners.

4.The learned Additional Government Pleader seeks for time. Post on 17.2.2025 finally. It is made clear that no further adjournment will be granted in this case."



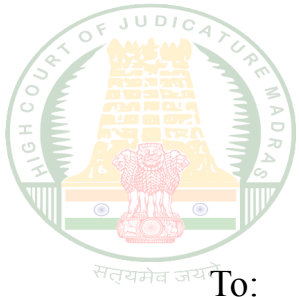
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WEB COPY 4. When the matter is taken up for hearing today, the learned Standing Counsel appearing on behalf of the Housing Board submitted that as against the order passed in the batch of writ petitions in W.P.No.12212/1994 etc., no appeal has been preferred by the Housing Board.

5. In the light of the above submissions, the order that was passed by this Court in the batch of writ petitions in W.P.No.12212/1994 etc. will enure in favour of the petitioners also and hence, this writ petition is allowed in terms of the order passed in the batch of writ petitions in W.P.No.12212/1994 etc. dated 03.03.2022. No costs.

17.02.2025

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

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