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WP.No.13459 of 2013

In the High Court of Judicature at Madras

Dated : 17.2.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.13459 of 2013 &
MP.Nos.2 and 3 of 2013 & 1 of 2015

1.G.Thavamani
2.G.Rajkumar

...Petitioners

Vs

1.The State of Tamil Nadu, rep.
by its Secretary, Social
Welfare Department,
Fort St.George, Chennai-9.

2.The District Collector, Salem,
Salem District.

3.The Special Tahsildar,
Adi Dravidar Welfare,
Salem District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent made in award No.2/92-93 dated 23.8.1993, quash the same as lapsed and hence, illegal and consequently direct the respondents to forbear from disturbing the possession of the petitioners' lands situated in survey No.98/3 admeasuring 56 cents and in survey No.99/4 admeasuring 81 cents



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totally 1 acre and 37 cents in Ayothiapattinam Village, Salem Taluk, which was sought to be acquired by G.O.Ms.No.2532 Social Welfare Department dated 08.12.1987.

For Petitioners : Mr.Prahaland Battu
For Respondents : Mr.A.Selvendran, SGP

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 23.8.1993 on the ground that the award has lapsed and for a further direction to the respondents to forbear from disturbing the possession and enjoyment of the properties in survey No.98/3 admeasuring 56 cents and in survey No.99/4 admeasuring 81 cents totally 1 acre and 37 cents in Ayothiapattinam Village, Salem Taluk belonging to the petitioners.

2. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents.

3. In the instant case, the acquisition proceedings commenced in the year 1986. The first round of litigation went upto the Supreme Court and ultimately, the Apex Court dismissed **Civil Appeal No.8235 of 2009 [R.Kolandaivelu & Others Vs. Government of Tamil**



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Nadu] by judgment dated **11.12.2009**. The second round of litigation commenced when the petitioners sought for reconveyance of the subject properties under Section 48-B of the Land Acquisition Act by filing W.P.No.34722 of 2012. At that point of time, the petitioners realized that the award itself had lapsed and was barred under Section 11A of the said Act. Hence, W.P.No.34722 of 2012 was withdrawn on 09.1.2013 and the above writ petition has been filed before this Court.

4. The main ground that has been raised by the petitioners is that the award was passed after a lapse of two years and hence, it has lapsed as per Section 11A of the said Act.

5. In the considered view of this Court, it is not necessary for this Court to go into the issue that has been raised by the petitioners since the petitioners already sold the subject properties through a sale deed dated 20.10.2010 registered as doc.No.5548 of 2010 on the file of the Sub-Registrar, Ayothiapattinam in favour of one Mr.P. Pandithurai. A specific stand to that effect has been taken in the counter affidavit filed by the respondents. In view of the same, the petitioners do not have any locus standi to maintain the above writ petition. Hence, this Court is not inclined to grant the relief sought for by the petitioners.



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6. In the result, the writ petition is dismissed. No costs.

Consequently, the connected MPs are also dismissed.

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To

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