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W.A.(MD)NO.777 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)No.777 of 2022 AND

C.M.P.(MD)No.6590 of 2022

1. The Managing Director,
Tamil Nadu Housing Board,
Nanthanam, Anna Salai, Chennai.
 2. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Ramanathapuram Housing Unit,
KTM Building, Ramanathapuram.
- ... Appellants/ Respondents 2&3

Vs.

1. A.Sethuraman
 2. G.Sangara Raj
 3. S.Rajendran
 4. L.Sellakkari
- ... Respondents 1 to 4 /
Writ petitioners
5. The Revenue Divisional Officer(LAO),
Paramakudi Revenue Divisional Office,
Paramakudi, Ramnad District. ... 5th Respondent / 1st Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P. (MD)No.574 of 2010 dated 28.04.2022 on the file of this Court.



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For Appellant : Mr.A.Kannan

For R-5 : Mr.K.Balasubramani,
Special Government Pleader.

* * *

J U D G M E N T**(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard the learned Standing counsel for the Tamil Nadu Housing Board and the learned Special Government Pleader appearing for the fifth respondent.

2. The Housing Board challenges the order dated 28.04.2022 made in W.P.(MD)No.574 of 2010 by which the writ petition filed by the respondents 1 to 4 was allowed by the learned single Judge.

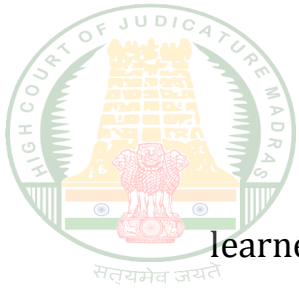
3. The question that calls for consideration is whether the order of the learned single Judge is liable to be interfered with.

4. It is not in dispute that the notification under Section 4(1) of the Land Acquisition Act was issued on 19.10.1994. The declaration under Section 6(1) of the Land Acquisition Act was made on



01.12.1995. Admittedly, Section 6(1) declaration was not issued within one year of the issuance of notification under Section 4(1) of the Act. That is why, at the instance of some of the other land owners, proceedings had been quashed. Our attention is drawn to the order dated 18.02.2002 made in W.P.No.132 of 1996. One S.S.Rajagopala Iyer filed the writ petition questioning the very same acquisition proceedings. The learned single Judge allowed the writ petition on the ground that the declaration under Section 6 of the Act was made admittedly beyond one year from the date of publication under Section 4(1) notification. Questioning the same, the department filed the writ appeal before the Hon'ble Division Bench and the same was dismissed at the SR stage itself. Following the same, the learned single Judge allowed W.P.(MD)No.574 of 2010

5. The learned Standing counsel for the Housing Board would contend that the writ petition ought to have been dismissed on the ground of laches. We are not persuaded by this contention. This is because the proceedings had become void on account of failure to adhere to the time line set out in the Act. Therefore, the respondents 1 to 4 could have even ignored the impugned proceedings. The



learned single Judge rightly allowed the writ petition. Interference is not warranted. This writ appeal stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (M.JOTHIRAMAN, J.)
24th February 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

The Revenue Divisional Officer(LAO),
Paramakudi Revenue Divisional Office,
Paramakudi, Ramnad District.



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