



W.A.(MD)No.1283 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.1283 of 2018

and

C.M.P(MD)No.8993 of 2018

1.The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Karur District,
Karur.

3.The Special Tahsildar,
(Land Acquisition) Phase – I,
Thanthonimalai Village,
Karur Taluk,
Karur District.

... Appellants /
Respondents

Vs.

C.Yerma Naicker

... Respondent /
Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 10.06.2014 made in W.P(MD)No.15265 of 2013 on the file of this Court and allow this Writ Appeal.



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W.A.(MD)No.1283 of 2018

For Appellants : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by Mr.SR.Ramachandran
Additional Government Pleader

For Respondent : Mr.Isaac Mohanlal
Senior Counsel
for Mr.H.Thayumanasamy

JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2.This intracourt appeal is directed against the order dated 10.06.2014 allowing W.P(MD)No.15265 of 2013 filed by the respondent herein. The respondent herein filed the said writ petition challenging the land acquisition notification issued under Section 4(1) of the Land Acquisition Act, 1894 vide G.O(Ms)No.452 Revenue Department dated 03.06.1998 and the consequential declaration under Section 6 of the said Act made vide Government Gazette dated 04.06.1998. The writ petition was allowed by the learned single Judge. Questioning the same, this Writ Appeal came to be filed.

3.The question that calls for consideration is whether this Court should interfere with the order passed by the learned single Judge.



W.A.(MD)No.1283 of 2018

4.It is seen that questioning the very same land acquisition notification, some of the other land owners filed W.P.No.19889 of 1999 before the Principal Seat. The writ petition was allowed on 27.07.2009. In paragraph 27 of the order passed by the learned single Judge quashed the entire acquisition proceedings but gave liberty to the State to issue fresh notification, if the Government was of the opinion that the lands are still required. Aggrieved by same, the State filed Writ Appeal only in the year 2011. There was a delay of 794 days in filing the Writ Appeal. The Hon'ble First Bench vide order dated 17.02.2012 dismissed the Writ Appeal by declining to condone the delay. Aggrieved by the same, the State filed S.L.P.Civil No.35520 of 2013. The Hon'ble Supreme Court dismissed the SLP on 27.11.2024. The order of the Hon'ble Supreme Court reads as follows:

“1.Heard learned senior counsel/counsel for the parties at length.

2.It appears that the order dated 27.07.2009 passed by the Single Bench of the High Court of Madras in Writ Petition No.19889 of 1999 quashing the acquisition proceedings, was sought to be challenged by the petitioner – State by filing WA.SR.No. 110367/2011 after a delay of about 794 days. The Division Bench vide the impugned order dated 17.02.2012, dismissed the said Writ Appeal on the



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W.A.(MD)No.1283 of 2018

ground of delay itself. The said order is under challenge in SLP(c) No.35520/2013. Similar Writ Appeals arising out of the same land acquisition proceedings were also dismissed by the Division Bench on the ground of delay itself. Being aggrieved by the said orders, the connected Special Leave Petitions were filed.

3.It may be noted that the lands were sought to be acquired by the petitioner - State invoking Urgency Clause under Section 17 of the Land Acquisition Act and the same were quashed by the single Bench in the year 2009, granting liberty to the State to issue fresh notification, if the Government was of the opinion that the lands were still required. However, admittedly till this date, no such steps for fresh acquisitions have been taken by the State.

4.The learned senior counsel, Mr.Hegde had placed reliance on the affidavits filed on behalf of the State showing the action taken by the State against the errant officers. Let the State proceed against them in accordance with law. However, having regard to the peculiar facts and circumstances of the case, we are not inclined to interfere with the impugned orders when the acquisition proceedings in respect of lands in question were quashed by the Single Bench in the year 2009 and the Writ Appeals were filed after gross delay and when no fresh notification for acquisition of the lands in



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W.A.(MD)No.1283 of 2018

question have been issued till this date.

5.In that view of the matter, all the Special Leave Petitions are dismissed.

6.Pending applications, if any, shall stand disposed of.”

Following the same, a learned Judge sitting in the Principal Seat allowed W.P.Nos.15273 to 15277 of 2004 and 6079 and 16080 of 2004 on 08.11.2024. It is not in dispute that those writ petitioners were also covered by the very same acquisition notification.

5.For similarly placed individuals, judicial relief had been granted. We are of the view that a different approach or yardstick need not be adopted in the case of the writ petitioner herein. In this view of the matter, we decline to interfere.

6.This Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
12.02.2025

NCC : Yes / No
Index : Yes / No
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W.A.(MD)No.1283 of 2018

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