

(2006) 06 MAD CK 0120
In the Madras High Court
Case No : Writ Appeal No. 2945 of 2001

A. Mahalingam and Others	Vs	APPELLANT
The State of Tamil Nadu		RESPONDENT

Date of Decision : 23-06-2006

Acts Referred:

Citation : (2006) 06 MAD CK 0120

Hon'ble Judges : V. Dhanapalan, J;P. Sathasivam, J

Bench : Division Bench

Advocate : C. Prakasam, for the Appellant; M. Dhandapani, A.G.P., for the Respondent

Judgement

P. Sathasivam, J.

Aggrieved by the order of the learned single Judge dated 19.11.2001 made in W.P. No. 21622 of 2001, the appellants 1 to 11 have filed the above appeal.

2. All the 11 appellants-petitioners, aggrieved by the impugned acquisition proceedings initiated by the Housing and Urban Development

Department, have filed W.P. No. 21622 of 2001. The learned single Judge, after finding that the said writ petition came to be filed after passing of

the award and taking note of the decision of the Apex Court in 2001 (1) SC 146 The Municipal Council, Ahmed Nagar and Anr. v. Shah Hyder

Boig and Ors., dismissed the writ petition.

3. Heard the learned counsel appearing for the appellants as well as the respondents.

4. It is not in dispute that in the case on hand, after following the procedures, award was passed on 21.06.2001. However, the writ petitioners

have filed the writ petition on 06.11.2001 i.e. well after passing of the award. It is also not in dispute that based on the series of the decisions of the

Supreme Court, the Division Bench of this Court in Ramalingam and Others Vs. The State of Tamil Nadu and Others, . and S. Harshavardhan and

Another Vs. State of Tamil Nadu and Others, . held that the writ petition filed after passing of the award is not maintainable and liable to be

dismissed. In view of the authoritative decisions of this Court, based on the judgments of the Supreme Court, we are of the view that the decision

taken by the learned single Judge cannot be faulted with. Accordingly, the appeal fails and the same is dismissed. No costs.

5. Considering the grievance expressed by the appellants, they are free to make a representation to the Government highlighting their status and

income for exclusion of their lands. If any such representation is not already made, they are permitted to make such a representation within a

period of four weeks from the date of receipt of a copy of this order. If any such representation is made, the first respondent-Government is

directed to consider and dispose of the same in accordance with law within a period of 12 weeks thereafter.