
(1995) 10 MAD CK 0049
In the Madras High Court

K. Arunachalam and Others

APPELLANT

Vs

The District Collector and Others

RESPONDENT

Date of Decision : 17-10-1995

Acts Referred:

Constitution of India, 1950 — Article 141

Citation : (1996) 1 MLJ 63

Hon'ble Judges : AR. Lakshmanan, J

Bench : Division Bench

Judgement

AR. Lakshmanan, J.—The petitioner in W.P. No. 13786 of 1995 was allotted half share in Survey No. 138/2A of an extent of 1.65 acres in Komarapalayam Amani Village, Tiruchengode Taluk, in a family agreement. Challenging the proposal to acquire his land under the provisions of Tamil Nadu Act 31 of 1978, he filed W.P. No. 9487 of 1981 on the file of this Court praying for the issue of a writ of mandamus forbearing the authorities from in any manner depriving him of his land under the provisions of Tamil Nadu Act 31 of 1978.

2. The petitioner in W.P. No. 13787 of 1995 is the owner of an undivided half share in Survey No. 138/3 of Komarapalayam Amani Village, Tiruchengodu Taluk, of an extent of 1.55 acres. When his lands were sought to be acquired under the provisions of Tamil Nadu Act 31 of 1978, he filed W.P. No. 9486 of 1981 before this Court for a similar relief as in the other writ petition.

3. The petitioners in W.P. No. 13830 of 1995 are the joint owners of the land in Survey No. 189/1 of Padaveedu Village of an extent of 3.69 acres. They are in exclusive possession and enjoyment of the same from the date of purchase. When those lands were sought to be acquired by the Government under Tamil Nadu Act 31 of 1978, the same was challenged by the erstwhile owners by filing W.P.No.8173 of 1981 in this Court.

4. By a common order in W.P. Nos. 9486 and 9487 of 1981, S. Padmanabhan, J., passed the following order on 1.10.1981:

The learned Additional Government Pleader takes notice. A Bench of this Court has struck down the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Act 31 of 1978) in Anandhi Ammal v. Collector of Tirunelveli and etc. W.P. No. 797 of 1980 and connected writ petitions. In the circumstances, the writ petitions are allowed. No costs.

5. Likewise, this Court by order dated 18.9.1981 in W.P. No. 8173 of 1981, which was filed by the vendor of the present petitioners in W.P. No. 13830 of 1995, allowed the writ petition observing as follows:

The provisions of the Tamil Nadu Act 31 of 1978 (The Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act) have been struck down by a Bench of this Court in Ananthi Ammal v. The Collector of Tirunelveli and Ors. W.P. No. 797 of 1980, dated 9.9.1981. Hence, the impugned notice is quashed and the writ petition is allowed.

The petitioner states that the respondents are trying to interfere with his possession. In view of the fact that the provisions of the impugned Act have been struck down, the respondents will not have any right to interfere with the possession of the petitioner on the basis of the provisions of the said Act.

6. According to the petitioners, the Special Tahsildar, Adi Dravidar Welfare, Sankari, has issued a notice to the petitioners in W.P. Nos. 13786 and 13787 of 1995 calling upon them to surrender possession of the acquired lands to the Land Acquisition Officer and Special Tahsildar, Adi Dravidar Welfare, Sankari, on or before 5.10.1995 failing which possession will be taken by the Taluk Magistrate and Tahsildar, Tiruchengode, forcibly. The notice issued in Roc. No. 1150/89(A) dated 25.9.1995 by the Office of the Special Tahsildar, Adi Dravidar Welfare, Sankari, runs thus:

Ref: This office Award No. 8/80-81 dated 28.3.1981.

Please take notice that the lands noted below have been acquired by Government under the provisions of the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act No. 31 of 1978), for the purpose of provision of house sites to the Arunthathiar of Thattankuttai, hamlet of Komarapalayam Amani Village, in this office Award cited and you have also received the amount of compensation on 30.3.1981. As the abovesaid Act was struck down by the High Court, Madras, the acquired lands were not taken possession by the Government and you are enjoying the lands till now. Now, the Supreme Court of India have upheld the provisions of the abovesaid Act, as valid by its judgment dated 22.11.1994 in Civil Appeal Nos. 3978 to 4302 of 1990.

Hence, you are directed to surrender possession of the acquired lands noted below to the Land Acquisition Officer and Special Tahsildar(ADW), Sankari, before 5.10.1995 failing which the possession will be taken by the Taluk Magistrate and Tahsildar, Tiruchengode, forcibly.

7. Likewise, the Land Acquisition Officer and Special Tahsildar, Adi Dravidar

Welfare, Sankari, issued a notice in Roc. No. 456/90(A), dated 26.9.1995 to the petitioners in W.P. No. 13830 of 1995 calling upon them to surrender possession of the acquired lands to the Land Acquisition Officer and Special Tahsildar, Adi Dravidar Welfare, Sankari, on or before 10.10.1995 failing which possession will be taken by the Taluk Magistrate and Tahsildar, Tiruchengode, forcibly.

8. When the matter came up for admission on 10.10.1995, after hearing the same for some time, it was directed to be posted on 12.10.1995 for further hearing. The learned Government Advocate was directed to take notice. On 12.10.1995, I have heard the arguments of Mr. K. Doraiswami, learned Senior Counsel for the petitioners in W.P. Nos. 13786 and 13787 of 1995 and Mr. V.N. Mohanraj, learned Counsel for the petitioners in W.P. No. 13830 of 1995, and Mr. P. Sadasivam, learned Special Government Pleader for the respondents assisted by Mr. V.P. Sengottuvel, Government Advocate.

9. According to the learned Senior Counsel, the notice now sent by the Special Tahsildar, Adi Dravidar Welfare, Sankari, calling upon the petitioners to surrender possession of the lands to the Government on the ground that the batch of civil appeals preferred by the State Government against the order of the Division Bench of this Court were allowed by the Supreme Court on 22.11.1994 upholding the constitutional validity of the provisions of Tamil Nadu Act 31 of 1978, is illegal. According to the petitioners, insofar as they are concerned, their writ petitions were allowed by this Court as early as in 1981 by S. Padmanabhan, J., and the said proceedings have reached finality, in that, no appeal was preferred by the State Government against the order of this Court allowing their writ petitions. Further, it is contended that the petitioners are not concerned with the civil appeals preferred by the State Government before the Supreme Court, that no notice of any sort was served on them and that even in the public notice issued by the Supreme Court, neither the names of the petitioners nor their father, brother or other sharers of the lands were included and that therefore, the order of the Supreme Court allowing the civil appeals preferred by the State Government upholding the constitutional validity of the Tamil Nadu Act 31 of 1978 will not enable the respondents to seek possession of the petitioners' lands since the order of this Court passed earlier allowing their writ petitions has reached its finality. In other words, Mr. K. Doraiswami, learned Senior Counsel, asserts that the mandamus in their case was issued by this Court commanding the authority to desist or forbear from enforcing the provisions of the Act which was not validly enacted. Consequently, a learned single Judge of this Court directed the authorities under the said Act to forbear from enforcing the provisions of the Act qua the petitioners. If the law so declared invalid is held constitutionally valid, effective and binding, by the Apex Court, the mandamus forbearing the authorities from enforcing its provisions would become ineffective and the authorities cannot be compelled to perform a negative duty, and that the mandamus issued earlier is binding on the authorities before the court and therefore, it is futile to contend that the mandamus would survive in favour of those parties against whom appeals were not filed. This is the only contention

raised by Mr. K. Doraiswami, learned Senior Counsel appearing for the petitioners.

10. Mr. P. Sathasivam, learned Special Government Pleader, contended that the argument of the learned Senior Counsel for the petitioners is fallacious. He contended that the mandamus issued by this Court earlier by S. Padmanabhan, J., becomes ineffective and unenforceable when the basis on which it was issued fails by the declaration of the Supreme Court about the validity of Tamil Nadu Act 31 of 1978. He further contended that when the Supreme Court repelled the challenge and held the Act constitutionally valid, it in terms disposed of not the appeals filed before the Supreme Court alone but all the petitions in which the High Court issued mandamus on the non-existent ground that Tamil Nadu Act 31 of 1978 was constitutionally invalid. It is, therefore, submitted that the law laid down by the Supreme Court now reversing the judgment of a Division Bench of this Court would bind not only the appellants before the Supreme Court but on all others who have not filed any appeal. He also invited my attention to Article 141 of the Constitution of India and submitted that the law declared by the Supreme Court shall be binding on all courts within the territory of India. While elaborating his arguments under Article 141 of the Constitution of India, Mr. Sathasivam, learned Special Government Pleader contended that by setting aside the common judgment of the Division Bench of this Court by the Supreme Court, the mandamus issued by S. Padmanabhan, J., in individual cases is rendered ineffective not only in one case but in all cases.

11. The only question that arises for consideration is, whether by setting aside the common judgment of the Division Bench of this Court dated 9.9.1981 in W.P. No. 797 of 1980 etc., by the Supreme Court in State of Tamil Nadu and Others Vs. Ananthi Ammal and Others, , the mandamus issued by S. Padmanabhan, J., in W.P. Nos. 9486 and 9487 of 1981 dated 18.9.1981 is rendered ineffective not only in the case of the petitioners herein but in all other cases, and whether the law laid down by the Supreme Court would bind not only the appellants before it but also all the other petitioners against whom the State has not filed any appeal in view of the binding nature of the judgment of the Supreme Court under Article 141 of the Constitution of India.

12. The answer to the above question is available on hand in the judgment of the Supreme Court reported in Shenoy and Co., Represented by its Partner, Bele Srinivasa Rao Street, Bangalore and Others Vs. Commercial Tax Officer, Circle II, Bangalore and Others, , which in my opinion is directly and succinctly on point. A SLP was filed before the Supreme Court against the common judgment rendered by a Division Bench of Karnataka High Court in Writ Appeal Nos. 662 to 668 of 1982. The prayer in the writ petition before the High Court was to strike down Section 7 of the Karnataka Act 13 of 1982, Sections 2 and 3 of the Karnataka Act 10 of 1984 and for a writ of mandamus to restrain the State of Karnataka from enforcing the said provisions against the petitioners in the writ petitions. A batch of 1590 writ petitions were filed in the High Court by a large number of traders challenging the constitutional validity of the abovesaid provisions. These writ

petitions were heard by a Division Bench on reference by a learned single Judge, which by a common judgment dated 24.8.1979 ILR (1980) Karn. 165 struck down the Act, allowed the writ petitions and issued writs of mandamus against the State Government forbearing them from taking any proceedings under the Act. The State took the matter on appeal to the Supreme Court. However, only one appeal was filed against W.P. No. 7039 of 1979, which was by M/s. Hansa Corporation, Bangalore. The State in its SLP impleaded M/s. Hansa Corporation alone as a respondent. The Supreme Court by its judgment dated 25.9.1980 allowed the appeal, set aside the judgment of the Karnataka High Court and upheld the validity of the Act. This decision is reported in *State of Karnataka and Another Vs. Hansa Corporation*, .

13. While Civil Appeal No. 3049 of 1979 was pending before the Supreme Court, the Governor of Karnataka promulgated the Karnataka Tax on Entry of Goods into a Local area for consumption, Use or sale therein Ordinance of 1980, on 8.6.1980 providing for levy of entry tax on registered dealers, removing the infirmities that were pointed out by the High Court in the 1979 Act while striking down the Act. This Ordinance was replaced by Act 21 of 1980 giving its retrospective effect from 8.6.1980, the date of the ordinance. After the Supreme Court rendered its judgment in *State of Karnataka and Another Vs. Hansa Corporation*, , the Governor of Karnataka promulgated another Ordinance, Ordinance No. 11 of 1980 on 25.10.1980, repealing the Entry Tax Act, 1980 from its inception with certain other directions regarding adjustment of tax, if any, paid. This was followed by Karnataka Tax on Entry of Goods into Local Areas, Use or Sale therein (Repeal) Act of 1981, and Karnataka Act 10 of 1981, repealing the 1980 Act. This Act, however did not repeal Ordinance No. 11 of 1980. In the meantime, Karnataka Ordinance No. 3 of 1981 came into force, which was followed by Karnataka Act No. 12 of 1981, which repealed Ordinance No. 11 of 1980. As a result of the combined operation of Ordinance No. 3 of 1981 and Act No. 12 of 1981, the 1979 Act was made to be operative but only from 1.10.1980, and not from 1.6.1979, as originally enacted.

14. After the judgment of the Supreme Court in *State of Karnataka and Another Vs. Hansa Corporation*, , upholding the validity of the 1979 Act, the authorities appointed under the Act issued notices under the Act to all the dealers including those who had filed writ petitions earlier, calling upon them to register themselves under the Act, to file returns and to pay the amounts of tax due by them under the original Act of 1979. Aggrieved by the said notices, the original writ petitioners again filed writ petitions before the High Court contending that the notices issued to them were bad inasmuch as the writ of mandamus issued in their favour by the High Court in the earlier judgment survived and was effective since the State had not filed appeals against them, and that the judgment of the Supreme Court could rescue the State from taking proceedings only against the Hansa Corporation and not against them. The State contended that the judgment of the Supreme Court is binding on all and no one could escape from it. The writ petitions were heard by a learned single Judge, who dismissed them holding,

among other things, that Section 3 of Act 10 of 1981 revived the 1979 Act and that action taken against the petitioners was, therefore, valid. On appeal, a Division Bench of the Karnataka High Court dismissed the appeals.

15. Both the learned single Judge and the Division Bench of the Karnataka High Court had to consider the effect of the two decisions of the Supreme Court reported in *State of Punjab Vs. Joginder Singh*, and *Makhanlal Waza and Others Vs. State of Jammu and Kashmir and Others*, , for deciding the questions argued before them. The Supreme Court considered the submissions made before it with reference to the above two decisions and examined the correctness of the finding rendered by the learned single Judge and the Division Bench of the Karnataka High Court. Before the Supreme Court it was contended on behalf of the appellant *Shenoy & Co.*, that the writ of mandamus issued by the High Court in their favour was effective since the judgment in their favour was challenged by filing appeal before the Supreme Court. It was further contended that the law laid down by the Supreme Court would apply only against the party before it against whom alone the State had filed an appeal. The appellants relied on certain passages in *State of Punjab Vs. Joginder Singh*, in support of their contention. The Supreme Court observed that the reliance on the passages by the appellants in support of their contention was not justified since the only question that fell to be considered in *State of Punjab Vs. Joginder Singh*, was whether the appeal filed by the State was competent in the absence of appeals against the other petitioners. The Supreme Court has further observed that the above two decisions, on the principles laid down by them, speak the same voice, i.e., that the law laid down by the Supreme Court is binding on all, notwithstanding the fact that it is against the State or a private party and that it is binding on even those who were not parties before the Court. The Supreme Court has also set out reasons for its conclusions clearly to make the position of law clear and free from ambiguity in the following terms:

Though a large number of writ petitions were filed challenging the Act, all those writ petitions were grouped together, heard together and were disposed of by the High Court by a common judgment. No petitioner advanced any contention peculiar or individual to his petition, not common to others. To be precise, the dispute in the cause or controversy between the State and each petitioner had no personal or individual element in it or anything personal or peculiar to each petitioner. The challenge to the constitutional validity of 1979 Act proceeded on identical grounds common to all petitioners. This challenge was accepted by the High Court by a common judgment and it was this common judgment that was the subject matter of appeal before this Court in *State of Karnataka and Another Vs. Hansa Corporation*, . When the Supreme Court repelled the challenge and held the Act constitutionally valid, it in terms disposed of not the appeal in *Hansa Corporation's* case alone, but all the petitions in which the High Court issued mandamus on the non-existent ground that the 1979 Act was constitutionally invalid. It is, therefore, idle to content that the law laid down by this Court in that judgment would bind only the *Hansa Corporation* and not the other

petitioners against whom the State of Karnataka had not filed any appeal. To do so is to ignore the binding nature of a judgment of this Court under Article 141 of the Constitution." The Supreme Court has also observed that by setting aside the common judgment of the High Court, the mandamus issued by the High Court is rendered ineffective not only in one case but in all cases.

16. In the decision reported in *Star Diamond Co. India v. Union of India* AIR 1987 S.C. 179, the Supreme Court held that the decisions laying down the position in law are laws binding on all and that party need not be served with any notice or be a party to the said proceedings. The Supreme Court has observed as follows:

These two civil miscellaneous petitions are by Star Diamond Company India. The applicant has referred to the judgments of this Court in *Raj Parkash Chemicals Ltd. and Another Vs. Union of India (UOI) and Others*, and *Indo Afghan Chamber of Commerce case dated 15.5.1986, Indo Afghan Chambers of Commerce and Another Vs. Union of India (UOI) and Others*, . The applicant states that the applicant was neither a party nor was served with any notice of the said proceedings resulting in the said two decisions. According to the applicant, it was not bound by the directions therein. We are unable to accept the said contentions. Such decisions of Court laying down the position in law are laws binding on all....

The case of the applicant is that it is not bound as the applicant was neither a party to any of the aforesaid proceedings nor any notice was given. We are unable to accept this position. For what we held in the said two decisions, we crave leave to refer to the said two decisions. We reiterate as we have mentioned in *Union of India (UOI) Vs. Godrej Soaps Pvt. Ltd. and Another*, , whether importation of canalised items would be covered by the order was not adverted to in the first order dated 18.4.1985. Use of the expression, "whether canalised or not" was intended to convey that both canalised and non-canalised items would be covered within the ambit of the order.

17. In the decision reported in *The Amalgamated Coalfields Ltd. and Another Vs. The Janapada Sabha, Chhindwara*, , the Supreme Court has observed as follows:

The question about the applicability of the doctrine of *res judicata* to the petitions filed under Article 32 came before this Court in another form in *Daryao and Others Vs. The State of U.P. and Others*, and in that case it has been held that where the petition under Article 226 is considered on the merits as a contested matter and dismissed by the High Court, the decision pronounced is binding on the parties, unless modified or reversed by appeal or other appropriate proceedings under the Constitution, and so, if the said decision was not challenged by an appropriate remedy provided by the Constitution, a writ petition filed in respect of the same matter would be deemed to be barred by *res judicata*. Therefore, there can be no doubt that the general principle of *res judicata* applies to writ petitions filed under Article 32 or Article 226. It is

necessary to emphasise that the application of the doctrine of res judicata to the petitions filed under Article 32 does not in any way impair or affect the content of the fundamental rights guaranteed to the citizens of India. It only seeks to regulate the manner in which the said rights could be successfully asserted and vindicated in Courts of law.... The question in the present appeals, however, is somewhat different. The notices which are challenged by the appellants in the present proceedings are in respect of the tax levied for a period different from the period covered by the notices issued on 23.8.1958, which were the subject matter of the earlier writ proceedings, *The Amalgamated Coalfields Ltd. and Others Vs. The Janapada Sabha, Chhindwara*, . Where the liability of a tax for a particular year is considered and decided, does the decision for that particular year operate as res judicata in respect of the liability for a subsequent year? In a sense, the liability to pay tax from year to year is a separate and distinct liability; it is based on a different cause of action from year to year, and if any points of fact or law are considered in determining the liability for a given year, they can generally be deemed to have been considered and decided in a collateral and incidental way....In considering this question, it may be necessary to distinguish between decision on questions of law which directly and substantially arise in any dispute about the liability for a particular year, and questions of law which arise incidentally or in a collateral manner, as Lord Radcliffe himself has observed in the case of *The Society of Medical Officers of Health 1960 A.C. 551*, that the effect of legal decisions establishing the law would be a different matter. If, for instance, the validity of a taxing statute is impeached by an assessee who is called upon to pay a tax for a particular year and the matter is taken to the High Court or brought before this Court and it is held that the taxing statute is valid, it may not be easy to hold that the decision on this basic and material issue would not operate as res judicata against the assessee for a subsequent year. That, however, is a matter on which it is unnecessary for us to pronounce a definite opinion in the present case. In this connection, it would be relevant to add that even if a direct decision of this Court on a point of law does not operate as res judicata in a dispute for a subsequent year, such a decision would, under Article 141, have a binding effect not only on the parties to it, but also on all Courts in India as a precedent in which the law is declared by this Court. The question about the applicability of res judicata to such a decision would thus be a matter of merely academic significance.

18. In the decision reported in *M.L. Krishnamurthy and etc. Vs. The District Revenue Officer, Vellore and another, etc.*, , the question that arose for consideration before the Full Bench was as to whether an existing rice mill owner could be said to be an "aggrieved person" in respect of a grant of a permit or licence under the Rice Milling Industry (Regulation) Act, 1958, to another, so as to agitate the matter before this Court under Article 226 of the Constitution. A Full Bench of this Court in *R. Lakshminarayanan Vs. V.A. Maruthappa Nainar and Others*, upheld the locus standi of a licensee of an existing rice mill to apply for a writ of certiorari to quash the grant of a permit for establishment of a new rice

mill in the locality. However, the Supreme Court answered this question differently in *The Nagar Rice and Flour Mills and Others Vs. N. Teekappa Gowda and Bros. and Others*, a case which arose under the Act. This view of the Supreme Court was reiterated by it in *Jashbai Motibhai Desai v. Roshan Kumar* AIR 1978 S.C. 572, which was a case under the Bombay Cinemas Regulation Act, 1953, and the Bombay Cinema Rules, 1954. Taking note of the pronouncements of the High Court in *R. Lakshminarayanan Vs. V.A. Maruthappa Nainar and Others*, , a Division Bench of this Court in *Thangathammal, Proprietrix v. Secretary, Food Department* 90 L.W. 396 held that the decision of the Full Bench of this Court in *R. Lakshminarayanan Vs. V.A. Maruthappa Nainar and Others*, is no longer good law. A learned single Judge of this Court followed the pronouncement of the Division Bench of this Court in 90 L.W. 396 and dismissed the writ petitions at the instance of existing rice mill owners challenging the grant in favour of others under the Act. The writ appeals were referred to a Full Bench since a doubt has been expressed as to whether the decision of the Full Bench of this Court in *R. Lakshminarayanan Vs. V.A. Maruthappa Nainar and Others*, continues to be good law or ceased to be good law, in view of the two decisions relied on by the Division Bench viz. *The Nagar Rice and Flour Mills and Others Vs. N. Teekappa Gowda and Bros. and Others*, and *Jasbhai Motibhai Desai Vs. Roshan Kumar, Haji Bashir Ahmed and Others*, . This doubt has been felt on the simple ground that the Supreme Court has not referred to the decision of the Full Bench of this Court in *R. Lakshminarayanan Vs. V.A. Maruthappa Nainar and Others*, in the above two pronouncements of it. The Full Bench consisting of Nainar Sundaram, J., as he then was, K.M. Natarajan and E.J. Bellie, JJ., held as follows:

We must also hold that the Act is not designed to set norms of moral or professional conduct for the community at large or even a section thereof, and it was intended only to regulate the exercise of private rights of an individual to carry on a particular business on his property, and hence the expression, "person aggrieved" must receive a strict construction. As observed by the Supreme Court setting up of a rival business by another adversely affecting monopolistic commercial interest causing loss of business and pecuniary harm to one, are not wrongful in the eye of law. because they do not result in injury to any legal right or any legally protected interest; the business competition causing it being a lawful activity; and judicially harm of this description is called *damnum sine injuria*, the term "injury" being here used in its true sense of an act contrary to law, and the reason why the law suffers a person knowingly to inflict harm of this description on another, without holding him accountable for it, is that such harm done to an individual is a gain to society at large.... In our view, there has been a correct assessment of the ratio of the pronouncement of the Supreme Court in *The Nagar Rice and Flour Mills and Others Vs. N. Teekappa Gowda and Bros. and Others*, and in *Jasbhai Motibhai Desai Vs. Roshan Kumar, Haji Bashir Ahmed and Others*, by the Division Bench of this Court in *Thangathammal, Proprietrix v. Secretary, Food Department* 90 L.W. 386, when the Division Bench held that the

decision of the Full Bench of this Court in *R. Lakshminarayanan Vs. V.A. Maruthappa Nainar and Others*, , is no longer good law.... There need not be any difficulty with reference to the application of the ratio of the Supreme Court on the simple ground that the pronouncement of neither of this Court or of any other High Court in the country has not been specifically referred to, considered and overruled by the pronouncement of the Supreme Court on the subject. Where the Supreme Court deliberately and with intention of setting the law pronounces upon a question, such pronouncement is the law declared by the Supreme Court within the meaning of Article 141 of the Constitution of India. In other words, the law declared by the Supreme Court is made the law of the land. Once the law has been so declared by the Supreme Court, it is no longer possible to hang on to views expressed earlier by this Court or by any other High Court, running contrary to the said law, on the simple ground that these views were not analysed, touched upon, referred to and overruled specifically by the Supreme Court, while declaring the law. This is of no consequence at all. As already noted, the learned single Judge followed the pronouncement of the Division Bench in *Thangathammal, Proprietrix v. Secretary, Food Department* 90 L.W. 396 and dismissed the writ petitions at the instance of the existing rice mill owners. In the view, which we have taken to the decisions of the learned single Judge. These writ appeals deserve dismissal and accordingly they are dismissed.

19. Article 141 of the Constitution of India runs thus: "The law declared by the Supreme Court shall be binding on all courts within the territory of India."

All Courts in India are bound to follow the decision of the Supreme Court. In the instant case, a Division Bench of this Court allowed several writ petitions by a common judgment declaring the Tamil Nadu Act 31 of 1978 as unconstitutional but on appeal by the State, the Supreme Court upheld the validity of the said Act by setting aside the judgment of the High Court. The law declared by the Supreme Court would, in view of Article 141 of the Constitution be binding upon all the petitioners before the High Court and not merely on a particular petitioner as against whom the State has preferred an appeal. As observed by the Supreme Court, the law laid down by the Supreme Court upholding the Validity of Tamil Nadu Act XXXI of 1978 will bind not only the parties before it but also other petitioners against whom the State had not filed any appeal, in view of the binding nature of the judgment of the Supreme Court under Article 141 of the Constitution. Therefore, I am of the view that the mandamus issued by a learned single Judge of this Court was rendered ineffective not only in one case but in all cases as a result of the Supreme Court verdict setting aside the common judgment of this I Court.

20. As rightly pointed out by the learned Special Government Pleader, the Supreme Court by setting aside the common judgment of a Division Bench of this Court, has rendered the mandamus issued by a learned single Judge of this Court ineffective not only in the case of the petitioners but in all other cases. The contention of Mr. K. Doraiswami, learned Senior Counsel for the petitioners, that

the mandamus issued earlier reached its finality is fallacious. In this case, the Award has already been passed even in the year 1981 in all these cases and the proceedings for acquisition of the lands for providing house sites to Adi Dravidas were initiated only under special enactment viz., Tamil Nadu Act 31 of 1978. The Supreme Court, in the judgment reported in State of Tamil Nadu and Others Vs. Ananthi Ammal and Others, , while upholding the validity of the Tamil Nadu Act 31 of 1978, has also observed that the Central Act I of 1894 shall cease to apply to any land which is required for the purpose specified in Section 4(1) of the said Act and such land shall be acquired only in accordance with the provisions of the said Act. In this case, since the proceedings have already been initiated only under Tamil Nadu Act 31 of 1978, there is no difficulty for the State Government to take possession of the lands in question from the petitioners pursuant to the notice issued. The notice issued is perfectly in order and is in accordance with the dictum of the Supreme Court. The law laid down by the Supreme Court would bind the petitioners herein.

21. For the foregoing reasons, I hold that there are no merits in the writ petitions. Accordingly, they are dismissed. However, there will be no order as to costs.