

(2006) 09 MAD CK 0162

In the Madras High Court

Case No : Writ Petition No's. 10081 and 10082 of 2002

L. Jaganath

APPELLANT

Vs

State of Tamilnadu and Others

RESPONDENT

Date of Decision : 06-09-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Land Acquisition Act, 1894 — Section 11, 4(1), 5A, 6

Citation : (2006) 09 MAD CK 0162

Hon'ble Judges : Prabha Sridevan, J

Bench : Single Bench

**Advocate : S. Parthasarathy and Sarvabhauman Associates, for the Appellant;
G. Sankaran, Additional Govt. Pleader, for the Respondent**

Judgement

Prabha Sridevan, J.—The possession of the petitioner's lands were taken by the PWD Department for construction of Palar-Porunthalar

land scheme. On 10-06-1970, notice was issued by the petitioner requesting the Government to pay compensation for the lands which were taken

possession of, for the purpose of construction of the dam. On 06-10-1970, under G.O.Ms.No.2009, the PWD formulated and sanctioned the

irrigation scheme known as Palar-Porunthalar dam. For that purpose, the Government decided to acquire vast extent of lands in Balasamudram

Village and Pudhachehu Village. Notification u/s 4(1) of the Land Acquisition Act were issued on the following dates, 03-05-1972, 17-05-1972

and 26-07-1972. On 11-06-1972, notice u/s 5A of the Land Acquisition Act was given for enquiry. The petitioner appeared for the enquiry and

gave his consent for acquisition on payment of just compensation. The draft declaration u/s 6 of the Act was set.

2. It is not necessary to go into the facts because State of Tamil Nadu and Others Vs. Narendra Dairy Farms (P) Ltd. and Another, is identical on

facts.

3. There also the respondents proceeded against the land owner both under the Land Acquisition Act and the Land Ceiling Act and contended

that the latter act will alone apply. The Division Bench rejecting the respondent's case held that the respondents should issue a Section 4(1)

Notification and then proceed to pass an award accordingly.

4. When the matter was originally listed I referred the matter for mediation since the State would incur a huge financial burden if the Judgment of

the Division Bench is followed. In all fairness the petitioner agreed to go for mediation. The respondents failed to avail of this opportunity.

Therefore, the matter was argued again and it was stated tha with respect to the petitioner's son's lands an award has been passed in award No.1

of 2003 dated 01-09-2003. The learned Senior Counsel submits that these lands are adjacent to the lands which are subject matter of this writ

petition. In respect of those lands the 4(1) Notification is fixed as 12-07-2001. The petitioner has filed a memo that the same date may be adopted

for notifying the acquisition proceedings in respect of the petitioner's lands.

5. The writ petition is ordered as follows:

The respondents are directed to initiate acquisition proceedings and pass an award fixing the 4(1) Notification as on 12-07-2001 as agreed to by

the petitioner and pass an appropriate award as per the award passed in award No.1 of 2003 dated 01-09-2003 within 12 weeks from the date

of receipt of this order.

However, there will be no order as to costs.