
(2006) 07 MAD CK 0166
In the Madras High Court
Case No : Writ Appeal No. 1687 of 2002

R. Jayarani

APPELLANT

Vs

The State of Tamilnadu

RESPONDENT

Date of Decision : 06-07-2006

Acts Referred:

Tamil Nadu Land Acquisition Act, 1978 — Section 4(1), 5A, 6

Citation : (2006) 07 MAD CK 0166

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

Bench : Division Bench

Advocate : T. Srinivasaraghavan, for the Appellant; Kasikumar, for D. Veerasekaran, for R2 and R3 and C. Thirumaran, G.A. for R1, for the Respondent

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—The above Writ Appeal has been filed against the order of the learned Single Judge dated 11.6.2001 made in

W.P.No.3673 of 1994 in and by which the learned Single Judge dismissed the writ petition on the ground of delay and laches.

2. Heard learned Counsel for the appellant as well as respondents.

3. In the light of the order to be passed hereunder, it is unnecessary to refer all the factual details. It is not in dispute that the notification u/s 4(1) of

the Tamil Nadu Land Acquisition Act in so far as the lands of the petitioner/ appellant came to be issued on 17.2.1979 and declaration u/s 6 of the

said Act came to be issued on 15.10.1980. It is also brought to our notice that award has been passed on 25.3.1982 and possession has been

taken on 22.1.1982. Admittedly the petitioner has filed the writ petition only in 1994, which was dismissed by the learned Single Judge on

11.6.2001. Learned Judge, after finding that the petitioner came to this Court

after a period of 15 years from the date of 4(1) notification and 12 years from the date of passing of the award, dismissed the writ petition.

4. Mr. T.Srinivasaraghavan, learned Counsel appearing for the appellant by drawing our attention to various earlier decisions of this Court

submitted that in view of the fact that declaration u/s 6 of the Act in all these cases had been quashed by this Court even on 15.7.1982, the

respondents cannot proceed with the 4(1) notification issued in the year 1979. He further contended that after quashing of the declaration u/s 6,

without a fresh 4(1) notification, the respondents are not entitled to proceed further. In addition to the contention, he pointed out that some orders

were passed by the learned Single Judge of this Court, granting relief in favour of the petitioners therein.

5. Admittedly, in none of the orders, the petitioner was a party. Further, it is also not his case that at the instance of the petitioner, declaration u/s 6

was quashed by this Court. In this regard, learned Counsel appearing for the respondents heavily relied on the decision of the Apex Court in

Abhey Ram (dead) by LRs. and others Vs. Union of India and others, , wherein their Lordships have held that ""in view of the fact that the

notification u/s 4(1) is a composite one and equally the declaration u/s 6 is also a composite one, unless the declaration u/s 6 is quashed in toto, it

does not operate as if that the entire declaration requires to be quashed. It is seen that the appellants had not filed any objections to the notice

issued u/s 5A.

6. In view of the above and in view of the fact that admittedly, the petitioner/appellant has not challenged the declaration u/s 6 but approached this

Court only after 12 years, we are of the view that the orders relied on by the learned Counsel for the appellant are not either applicable nor helpful

to his case. On the other hand, the Courts have taken the view that unless the acquisition proceeding is challenged within a reasonable time, he/she

is not entitled to question the same, after considerable delay.

7. In the present case, we have already referred to the fact that if we consider the notification u/s 4(1), the writ petition has been filed after 15

years and if we take note of the award, the writ petition has been filed after 12 years. These aspects have been considered by the learned Single

Judge and dismissed the writ petition. It is also relevant to note that after

passing of the award dated 25.3.1982, possession was taken as early as 22.11.1982 and according to the respondents, the land in question is vest with the Government. In such circumstances and in the light of the factual details, we are in agreement with the conclusion arrived by the learned Single Judge and unable to accept the argument of the learned Counsel for the appellant.

8. Accordingly, the writ appeal fails and the same is dismissed. No costs.