
(2005) 02 MAD CK 0146

In the Madras High Court

Case No : W.A. No's. 2018 and 2883 of 2002

S. Harshavardhan and Another

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 16-02-2005

Acts Referred:

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

Citation : (2005) 3 CTC 691

Hon'ble Judges : Markandey Katju, C.J.;D. Murugesan, J

Bench : Division Bench

Advocate : K. Sridhar, in W.A. No. 2018/02, R. Thirugnanasambandam, in W.A. No. 2883/02, for the Appellant; V. Raghupathy, Government Pleader for Respondent Nos. 1 and 2, G. Masilamani, for K. Manoharan, for the Respondent

Final Decision : Dismissed

Judgement

Markandey Katju, C.J.—The above two writ appeals emanate out of the order dated 4.6.2002 passed by the learned single judge in W.P. No. 13247 of 2001. The said writ petition was filed by the appellant in W.A. No. 2018 of 2002, challenging the notification, issued u/s 4(1) of the Land Acquisition Act, dated 3.11.1999, declaration u/s 6 dated 18.9.2000 as well as the award dated 30.12.2000 in respect of the lands to an extent of 2.79.5 hectares of lands in Veerapuram Village, Chingleput Taluk, Kancheepuram District. W.A. No. 2883 of 2002 is filed by the Central Bank of India, which was not a party to the said writ petition, with the leave of this Court since they were aggrieved by the impugned order of the learned single judge.

2. As regards the writ petition (W.P. No. 13247 of 2001) out of which these writ appeals arise, we are of the opinion that this writ petition was liable to be dismissed and was rightly dismissed inter alia on the ground that the petition was filed belatedly and suffers from laches because the writ petition was filed after the award was passed.

3. It has been repeatedly held by the Supreme Court in *Tej Kaur and Others, etc. Vs. State of Punjab and Others*, that writ petition challenging the land acquisition proceedings should not be entertained after the award has been passed. In that case, the award was passed on 15.3.1994 whereas the writ petition was filed on 12.4.1994, i.e., after the award was given. Hence the writ petition was dismissed as belated. Similarly in *The Municipal Council, Ahmednagar and Another Vs. Shah Hyder Beig and Others*, the Supreme Court observed vide paragraph 17:

"In any event, after the award is passed, no writ petition can be filed challenging the acquisition notice or against any proceedings thereunder."

The Supreme Court also observed in that decision that this has been the consistent view of the Court e.g., in *C. Padma and Others Vs. Dy. Secretary to the Govt. of T.N. and Others*, *Municipal Corporation of Greater Bombay Vs. The Industrial Development Investment Co. Pvt Ltd., and others, etc.* Hence, without going into the merits of the case, we are of the opinion that the writ petition was rightly dismissed on the ground of laches. The writ appeals are, therefore, dismissed. Connected W.A.M.P. Nos. 3414 and 4854 of 2002 are closed.