

(2006) 06 MAD CK 0044
In the Madras High Court
Case No : Writ Appeal No. 2727 of 2001

The State of Tamil Nadu

APPELLANT

Vs

K.S. Narayanan

RESPONDENT

Date of Decision : 23-06-2006

Acts Referred:

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

Citation : (2007) 1 LW 81 : (2007) 2 MLJ 367

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

Bench : Division Bench

Advocate : M. Dhandapani, Addl. Government Pleader, for the Appellant; R. Subramanian, for K. Jayaraman, 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 08.08.1994 made in W.P. No.

6647 of 1987, in and by which, the learned single Judge quashed the acquisition proceedings on the simple ground that no notice was served on

the petitioner and notification u/s 4(1) of the Tamil Nadu Land Acquisition Act (hereinafter referred to as "the Act") was issued in the name of his

vendor.

2. Heard the learned Additional Government Pleader appearing for the appellants and the learned Counsel appearing for the respondents.

3. It is not in dispute that notification u/s 4(1) of the Act was published in the Tamil Nadu Government Gazette on 24.11.1982. It is the stand of

the respondent/writ petitioner that he along with others purchased the property from his vendor on various dates viz., on 5.06.1981, 17.06.1981

and 06.07.1981. It is also his claim that on 30.08.1982, by an order of the

Deputy Tahsildar, Salem, revenue records were corrected and his name was inserted in the place of his vendor. The learned Counsel appearing for the respondent has also produced the copy of the order passed by the Deputy Tahsildar dated 30.08.1982 effecting mutation in the revenue records. In such circumstances, though the erstwhile land owner, who appeared in the enquiry u/s 5 of the Act did not inform the details regarding the sale of the land to the respondent/writ petitioner, in view of the mutation of the revenue records even as early as on 30.08.1982, and the notification u/s 4(1) of the Act was published nearly after three months i.e. on 24.11.1982, it is but proper on the part of the Land Acquisition Officer to verify the revenue records before effecting publication.

4. Learned Additional Government Pleader has brought to our notice that since the proposal was initiated even in the month of February, 1982, the revenue records prevailing at the relevant time were verified and notice was issued in the name of the vendor of the writ petitioner. Though the proposal was earlier in point of time, it is but proper on the part of the Land Acquisition Officer, to verify the land records immediately before issuance of notice u/s 4(1) of the Act. The same was correctly stated by the learned single Judge and that he rightly quashed the acquisition proceedings. In fact the learned single Judge, after allowing the writ petition, permitted the Government authorities to comply with the requirement of law and to take fresh action in conformity with the notice issued u/s 4(1) of the Act.

5. In the light of the reasoning of the learned single Judge and in view of the factual details referred to above, we do not find any valid ground for interference. Accordingly, the writ appeal fails and the same is dismissed. No costs.