

(2002) 01 MAD CK 0093

Madras High Court

Case No: Writ Appeal No. 1572 of 1998 and W.A.M.P. No. 17175 of 1998

Kandaswamy and Others

APPELLANT

Vs

The Commissioner and Secretary
to Government, Social Welfare
Department and Special
Tahsildar, Adi Dravidar Welfare

RESPONDENT

Date of Decision: Jan. 28, 2002

Acts Referred:

- Land Acquisition Act, 1894 - Section 4(1)

Hon'ble Judges: B. Subhashan Reddy, C.J; A. Subbulakshmy, J

Bench: Division Bench

Advocate: G.K. Selvarajan, for the Appellant; S. Srinivasan, G.P., for the Respondent

Judgement

B. Subhashan Reddy, C.J.

This writ appeal is directed against the order of the learned single Judge in repelling the challenge to the land acquisition proceedings.

2. Lands of 1 acre 74 cents comprised in Survey No. 4/8B-1 situated in M. Vellalapatty Village, Uthangarai Taluk, Dharmapuri District have been notified for acquisition for providing house sites to the down-trodden. Notification u/s 4(1) of the Land Acquisition Act was issued on 29.8.1984 and the same was gazetted on 19.9.1984. The Land Acquisition Act amended by the Central Act 69 of 1984 came into force from 24.9.1984, and as such, paper notification was not necessary.

3. So far as the publication of the substance of the notification in the locality is concerned, it was mandatory even in the unamended Principal Act of Land Acquisition of 1894. In the counter filed, there is no contravention of the fact that the local publication was not made. As such, it is fatal to the land acquisition proceedings.

4. The writ appeal is allowed, and consequently, the land acquisition proceedings u/s 4(1) Notification dated 19.9.1984 is quashed. This order shall not prevent the authorities from reissuing the Notification u/s 4(1) of the Act in accordance with law.
5. Consequently, C.M.P. No. 17175 of 1998 is dismissed.