

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30/01/2004

CORAM

THE HONOURABLE MR. JUSTICE P.K. MISRA

WRIT PETITION NO. 18993 OF 1996

1. Dr.K.C. Ramasamy
2. Nachi Muthu Gounder
3. Saraswathi
4. Vijayalakshmi .. Petitioners

-Vs-

1. The State of Tamilnadu,
rep. by its Secretary,
Housing and Urban Development,
Fort St. George, Madras 9.

2. The Special Tahsildar (L.A),
Housing Unit II, Collectorate,
Coimbatore. .. Respondents

Petition filed under Article 226 of the Constitution of India for the
issuance of Writ of Certiorari as stated therein.

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For Petitioners : Mr.S. Kaithamalai Kumaran
for Mr.S. Balasubramanian

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For Respondents : Mrs. Thenmozhi Shivaperumal

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Heard the learned counsels appearing for the parties.

2. When the matter was taken up, the learned counsel appearing for
the Government wanted further time to file counter. However, since the writ
petition is of the year 1996 and more than 7 years had lapsed in the meantime,
I do not find any justification to adjourn the case for filing counter.

3. In this writ petition, the petitioners have challenged the land
acquisition proceedings. Though several contentions have been raised, it is
unnecessary to notice all such contentions, as in my opinion, the contention

relating to non-publication of notification in the locality, as required under Section 4(1) of the Land Acquisition Act, is sufficient to quash the proceedings.

4. In the affidavit filed in support of the writ petition, it has been specifically averred that

□ Further the substance of the Sec.4(1) Notification was not published in the locality and so the entire acquisition proceedings have become illegal.□

Such assertion having not been denied in any manner and in the absence of any material to indicate that in fact there has been publication in the locality as required under the Land Acquisition Act, the land acquisition proceedings is liable to be quashed.

For the aforesaid reason, the writ petition is allowed. No costs.

30-01-2004

Index : Yes

Internet : Yes

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To

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