

ITEM NO.4

COURT NO.11

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).2515-2520/2011

(From the judgement and order dated 10/12/2010 in WA No. 1109/2009 & WA No. 1909/2009 & WA No. 1910/2009 & WA No. 1911/2009 & WA No. 1912/2009 & WA No. 1913/2009 of The HIGH COURT OF MADRAS)

K.BALASIKHAMANI & ORS.

Petitioner(s)

VERSUS

STATE OF T.NADU & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH

SLP(C) NO. 2495-2499 of 2011

(With prayer for interim relief and office report)

SLP(C) NO. 2697-2700 of 2011

(With prayer for interim relief and office report)

Date: 07/03/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Altaf Ahmed, Sr.Adv.
[in SLP(C)Nos.2515-2520/2011]
Mr. A.K. Gnguli, Sr.Adv.
[in SLP(C)Nos.2495-2499/2011]
Mr. A.T.M. Rangaramanujam, Sr.Adv.
[in SLP(C)Nos.2697-2700/2011]
Mr. M.A.Chinnasamy, Adv.
Mr. K. Krishna Kumar, Adv.
Mr. V. Senthil Kumar, Adv.

For Respondent(s) Mr. Mohan Parasaran, A.S.G.
Mr. T. Harish Kumar, Adv.

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UPON hearing counsel the Court made the following

O R D E R

These petitions are directed against the judgment of the Division Bench of the Madras High Court whereby the writ appeals filed by the petitioners questioning the order of the learned Single Judge, who negatived their challenge to the acquisition proceedings, were dismissed.

By notification dated 11.6.1975 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), land measuring 460.08 acres situated in village Nerkundram was proposed to be acquired for execution of the housing scheme. The declaration under Section 6 was issued on 9.6.1978. After two years, amended notification was issued under Section 6 and the same was published on 11.6.1980.

The owners of some parcels of land challenged the acquisition proceedings in Writ Petition No.1807 of 1981. After about ten years, the writ petition was

dismissed for non-prosecution apparently because no one appeared on their behalf. The restoration application was also dismissed on 25.8.1991, but the review petition filed for recall of the earlier orders was allowed on 17.9.1991. Thereafter, the High Court allowed the writ petition and quashed the acquisition proceedings.

The State of Tamil Nadu challenged the order of the High Court by filing special leave petition, which was converted into C.A. No.10190 of 1995 and was allowed by this Court on 10.11.1995.

As a sequel to

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this, the Land Acquisition Officer passed award dated 31.10.1997 for payment of compensation to the land owners.

The petitioners, who claim to have purchased the land in question in 1992 and 1995 filed writ petitions in 1998 for quashing the acquisition by asserting that the proceedings will be deemed to have lapsed because the award was not passed within the time prescribed under Section 11A of the Act.

The learned Single Judge dismissed the writ petition by observing that the award had been passed within two years from the date of dismissal of the civil appeal by this Court. The Division Bench of the High Court agreed with the learned Single Judge and dismissed the writ appeals.

Learned senior counsel appearing for the petitioners tried to impress upon us to entertain the special leave petitions by pointing out that some special leave petitions filed against award dated 31.10.1997 are pending consideration, but we have not felt persuaded to agree with them. In our considered view the petitioners are not entitled to be heard on the merits of their challenge to the impugned judgement because they have not approached the Court with clean hands. They have deliberately omitted to place on record the notifications issued under Sections 4 and 6 including the amended notification dated 11.6.1980 issued under sections 6 of the Act. They have also not produced the copies of the orders passed in Writ Petition No.1807/1981 and the sale deeds by which they

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purchased the property in question. Not only this, they have not disclosed the date on which the special leave petition was filed. The statement contained at page 'D' of the List of Dates suggesting that the State of Tamil Nadu had challenged the order of the High Court after a long time gap of four years and this Court entertained the same by condoning the long delay is misleading. A reading of order dated 10.11.1995 passed in Civil Appeal No.10190 of 1995 shows that the special leave petition was filed some time in 1992. Therefore, by applying the principle laid down in Dalip Singh versus State of Uttar Pradesh and others, (2010) 2 SCC 114, we hold that the petitioners are not entitled to any relief.

The special leave petitions are accordingly dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master