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C.A.No. 3005 OF 2001
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ITEM NO. 105

COURT NO. 6

SECTION XII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 3005 OF 2001@@
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Exe. Engineer & Administrative Officer ... Appellant (s)

Vs.

Ugranappa and Ors. ... Respondent (s)

(With appln. for permission to place addl. documents
on record)

Date: 01-08-2001 This/These matter(s) was/were called
on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For appellant (s) Mr. TLV Iyer, Sr.adv.
Mr. PN Ramalingam, adv.
Mr. V Balaji, adv.

For respondent (s) Mr. R Nedumaran, adv.

UPON hearing counsel, the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....J
Application for permission to place
additional documents on record is allowed.

The appeal is allowed. There shall be no
order as to costs.

.SP1

(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3005 OF 2001

Executive Engineer & Admn. Officer

& Appellant

Vs.

Ugranappa & Ors.

& Respondents

O R D E R

The appellant herein is the Tamil Nadu Housing Board (hereinafter referred to as the Board) which is established and constituted under the Madras State Housing Board Act, 1961. One of the functions assigned to the Board is to prepare housing scheme and for that purpose acquire land to construct houses. It appears that the Board represented to the State of Tamil Nadu for the acquisition of land contained in Survey No.751 situate in village Hosur in the District of Dharmapuri. It further appears that on the said representation, the State Government issued a Notification under Section 4(1) of the Land Acquisition Act (hereinafter referred to as the Act) and the same was published in the Tamil Nadu Gazette on 17th July, 1991. The Notification indicated that a land measuring 0.38.5 Hectares contained in Survey No.751 in village Hosur is required for public purpose. The said Notification was followed by a Notification under Section 6 of the Act, which was published in the Tamil Nadu Gazette on 1st September, 1992. It appears that the respondents herein filed objections under Section 5A of the Act and according to them the same remained pending. Thereafter the respondents filed a writ petition under Article 226 of the Constitution of India challenging the issue of Notification under Sections 4(1) and 6 of the Act, on the ground that the writ petitioners objections filed under Section 5A of the Act were not considered and disposed of before the issue of Notification under Section 6 of the Act. A counter affidavit was filed by the State of Tamil Nadu, wherein it was stated that the objections filed by the writ petitioners were barred by time and, therefore, they were not required to be dealt with on merits. Curiously the learned Single Judge of the High Court, without going into the contents of the counter affidavit, came to the conclusion that since the provisions of Section 5A of the Act were not complied with, the land acquisition proceedings, including the issue of Notifications under Sections 4(1) and 6 of the Act were quashed and the writ petition was allowed. It is relevant to mention here that the appellant herein, at whose instance the land was acquired, was not impleaded as respondent in the writ petition and the same was decided in its absence. When the appellant came to know about the judgment of the High Court they filed an appeal before a Letters Patent Bench of the Madras High Court. However, the said appeal was rejected. It is against the said judgment the appellant has preferred this appeal.

Learned counsel appearing for the appellant urged that the view taken by the High Court in quashing the land acquisition proceeding is patently erroneous and, therefore, deserves to be set aside. We find substance in the argument. It may be noticed that in the counter affidavit filed in the writ petition by the State Government, it was stated that the objections filed by the objectors, namely, the writ petitioners were barred by time and,

therefore, were not required to be considered on merit. The High Court assumed that since the objectors' objections having not been decided by the State Government, the entire acquisition proceedings are rendered void and illegal. This view of the High Court is not correct. At least the High Court was required to go into the question whether the objections filed by the objectors were barred by time or not? In the absence of such an exercise the judgment under challenge deserves to be set aside. Consequently, we set aside the judgment under challenge and send the matter back to the learned Single Judge of the High Court, who shall decide the matter after hearing the appellant in accordance with law.

The appeal is allowed. There shall be no order as to costs.

& & & & & & & & .J.
(V.N. Khare)

& & & & & & & & .J.
(B.N. Agrawal)

New Delhi,
August 1, 2001.

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