

ITEM NO.8

COURT NO.12

SECTION XII

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s).35520/2013

[Arising out of impugned final judgment and order dated 17-02-2012 in WA No.110367/2011 passed by the High Court of Judicature at Madras]

THE STATE OF TAMIL NADU & ORS.

Petitioner(s)

VERSUS

PON ELANGO VAN & ORS.

Respondent(s)

(IA No. 175200/2023 - EXEMPTION FROM FILING O.T., IA No. 166443/2023 - EXEMPTION FROM FILING O.T., IA No. 5/2014 - EXEMPTION FROM FILING O.T., IA No. 32297/2024 - EXEMPTION FROM FILING O.T., IA No. 32296/2024 - INTERVENTION/IMPLEADMENT, IA No. 20572/2024 - INTERVENTION/IMPLEADMENT and IA No. 129903/2024 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 12565/2016 (XII)

SLP(C) No. 16617/2016 (XII)

SLP(C) D 3705/2016 (XII)

(IA No. 87698/2018 - CONDONATION OF DELAY IN FILING, IA No. 87702/2018 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 87700/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 87699/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 16616/2016 (XII)

(IA No. 117938/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) D 3707/2016 (XII)

(IA No. 51479/2020 - CONDONATION OF DELAY IN FILING, IA No. 51480/2020 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 51481/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 51482/2020 - EXEMPTION FROM FILING O.T.)

Date : 27-11-2024 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sanjay Hegde, Sr. Adv.
Mr. D.kumanan, AOR

For Respondent(s) Ms. Mary Mitzy, Adv.
Ms. Shakun Sharma, AOR

Mr. K. K. Mani, AOR
Ms. T.archana, Adv.

Mr. T. Harish Kumar, AOR
Mr. Navneet Dugar, Adv.

Mr. Karunakar Mahalik, AOR

Mr. Anup Kumar, AOR

Mr. Anil Kumar Mishra-i, AOR

Mr. G.Sivabalamurugan, AOR
Mr. Selvaraj Mahendran, Adv.

Mr. M.P. Parthiban, AOR

Mr. P. V. Yogeswaran, Adv.
Mr. Akshat Srivastava, AOR

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

1. Heard learned senior counsel/counsel for the parties at length.
2. It appears that the order dated 27.07.2009 passed by the Single Bench of the High Court of Madras in Writ Petition No.19889 of 1999 quashing the acquisition proceedings, was sought to be challenged by the petitioner - State by filing WA. SR. No. 110367/2011 after a delay of about 794 days. The Division Bench vide the impugned order dated 17.02.2012, dismissed the said Writ Appeal on the ground of delay itself. The said order is under challenge in SLP(c) No. 35520/2013. Similar Writ Appeals arising

out of the same land acquisition proceedings were also dismissed by the Division Bench on the ground of delay itself. Being aggrieved by the said orders, the connected Special Leave Petitions were filed.

3. It may be noted that the lands were sought to be acquired by the petitioner - State invoking Urgency Clause under Section 17 of the Land Acquisition Act and the same were quashed by the Single Bench in the year 2009, granting liberty to the State to issue fresh notification, if the Government was of the opinion that the lands were still required. However, admittedly till this date, no such steps for fresh acquisitions have been taken by the State.

4. The learned senior counsel, Mr. Hegde had placed reliance on the affidavits filed on behalf of the State showing the action taken by the State against the errant officers. Let the State proceed against them in accordance with law. However, having regard to the peculiar facts and circumstances of the case, we are not inclined to interfere with the impugned orders when the acquisition proceedings in respect of lands in question were quashed by the Single Bench in the year 2009 and the Writ Appeals were filed after gross delay and when no fresh notification for acquisition of the lands in question have been issued till this date.

5. In that view of the matter, all the Special Leave Petitions are dismissed.

6. Pending applications, if any, shall stand disposed of.

(RAVI ARORA)
COURT MASTER (SH)

(MAMTA RAWAT)
COURT MASTER (NSH)

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

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