

C.R.P(MD)No.1657 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1657 of 2026

and

C.M.P(MD)No.8033 of 2026

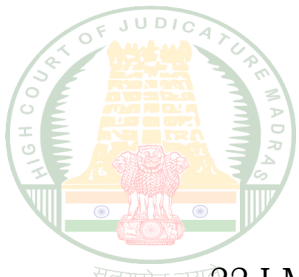
D.Andrew

.. Petitioner

Vs.

1.The Sub-Collector,
Neighbourhood Schemes,
O/o Sub-Collector Office,
Tirunelveli, Tirunelveli District.

- 2.Glory Esther Ammal,
- 3.S.Padmanabhan
- 4.N.Subramanian
- 5.M.Esakkiammal
- 6.R.S.Subramanian
- 7.S.R.Thangavelu
- 8.Ramasubramanian
- 9.S.Lakshmisundaram
- 10.V.Rajalakshmi
- 11.M.Michael Raj
- 12.Filo Selvaraj
- 13.Harihara Ramasubramanian
- 14.S.Lakshmi
- 15.N.K.George
- 16.Packiam
- 17.C.Balu
- 18.A.P.Rajasingh
- 19.A.Jeganathan
- 20.Allams
- 21.P.Ramachandran Pillai



C.R.P(MD)No.1657 of 2026

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- 22.I.Manohar
- 23.S.Santharaman
- 24.K.Sivasubramanian
- 25.L.Pitchammal
- 26.Rajalaskhmi
- 27.S.Lakshmi Sundaram
- 28.A.Paramasivan
- 29.Ramabarathy
- 30.A.Rajan
- 31.S.Murugan
- 32.S.Kamalam
- 33.P.Sankara Narayanan
- 34.Vijaya
- 35.Maharajan
- 36.Valli Ganesan
- 37.J.Annammal
- 38.Ganapathy Subramanian
- 39.S.Rasath
- 40.S.Ananadavalli
- 41.Thondairayan
- 42.K.Gnaniah
- 43.A.Mathiazhagan
- 44.Michael Ammal
- 45.Chandra James
- 46.A.Sasikala
- 47.Prabhakaran
- 48.T.Sekar
- 49.Sankarammal
- 50.M.Paul Devasahayam
- 51.Ramakrishnan
- 52.Thiruvalluvar
- 53.Selvi
- 54.Paulraj
- 55.D.Manoranjitham
- 56.Thangaraj
- 57.K.P.Bhagavathy
- 58.S.Lakshmi
- 59.Sundari
- 60.M.Sivakami
- 61.Kulandai Alwar

..

... Respondents



C.R.P(MD)No.1657 of 2026

WEB COPY

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to L.A.O.P. No. 23 of 2020 pending on the file of the Principal Sub Court, Tirunelveli, to strike off the same as being without jurisdiction and an abuse of process of law. Consequently, this Hon'ble Court may be pleased to direct the 1st respondent to determine the compensation in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and to make a reference under Section 64 of the said Act, 2013.

For Petitioner : Mr.J.John

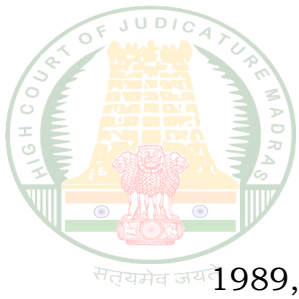
For Respondents : Mr.L.Siva
Govt. Advocate (civil side) for R1

* * * * *

ORDER

This Civil Revision Petition has been filed to strike off a reference made under Section 30 of the Land Acquisition Act in L.A.O.P. No.23 of 2020 pending on the file of the Principal Sub Court, Tirunelveli.

2.The learned counsel for the petitioner submitted that the petitioner's land was acquired for the purpose of a Housing Board Scheme. Though the acquisition proceedings were initiated in the year

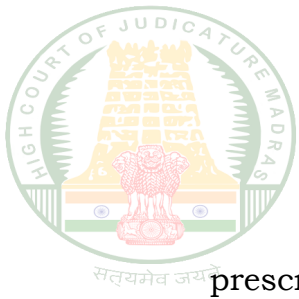


C.R.P(MD)No.1657 of 2026

WEB COPY

1989, the compensation has not been paid till date. In such circumstances, according to the learned counsel, the reference made by the Land Acquisition Officer under Section 30 of the Land Acquisition Act, 1894, is untenable and the reference should have been made under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Therefore, according to the learned counsel, the reference made under the old Act is liable to be strike off from the file.

3.It is seen from the typed set of papers that the notification under Section 4(1) of the Land Acquisition Act, 1894, was issued on 30.08.1989 and the declaration under Section 6 was made on 01.10.1990. The award came to be passed on 04.06.2001. It is also evident from the records that the possession of the acquired lands was taken from the petitioner and the other landowners in the year 2001. As per the law settled by the Constitution Bench of the Hon'ble Supreme Court in the decision in **Indore Development Authority vs Manoharlal And Ors.** reported in **AIR 2020 SC 1496**, in order to claim that the acquisition proceedings initiated under the Land Acquisition Act, 1894, have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the twin conditions

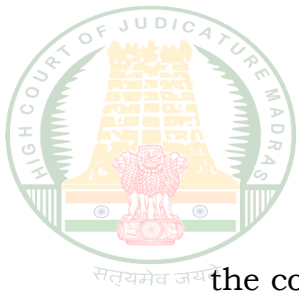


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prescribed therein must be satisfied, namely: (i) possession of the acquired land should not have been taken from the landowners; and (ii) the compensation amount should neither have been paid to the landowners nor deposited in accordance with law.

4.In the present case, it is evident from the records that the possession of the acquired lands had already been taken in the year 2001. Therefore, the twin conditions set out in the **Indore Development Authority** case (cited supra) have not been satisfied and the petitioner is not entitled to impugn the proceedings initiated under the old Land Acquisition Act and claim that the Land Acquisition Officer ought to have made a reference under Section 64 of the 2013 Act.

5.It is also seen that the petitioner had earlier approached this court and filed W.P.No.7340 of 2013 challenging the proceedings under land acquisition old Act. A Division Bench of this Court, while disposing of a batch of cases, including the petitioner's writ petition, recorded a categorical finding that possession of the lands had been taken and handed over to the Tirunelveli Housing Unit, Tirunelveli. The Division Bench also recorded that the compensation amount had been deposited within the stipulated time. In view of the categorical findings rendered by the Division Bench in W.A. No.924 of 2012 and



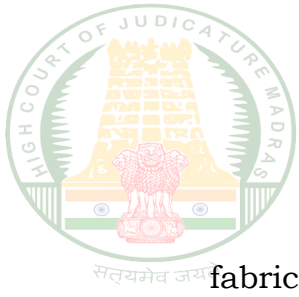
C.R.P(MD)No.1657 of 2026

WEB COPY

the connected batch of cases, to which the petitioner was also a party, the contention now advanced by the petitioner that possession was not taken and that the compensation amount was neither paid nor deposited, cannot be accepted by this Court. If the petitioner has not accepted the compensation, it is open to him to file a counter in the land acquisition original petition and resist the same in the manner known to law. The petitioner has not made out any case to strike off the reference made under Section 30 of the Land Acquisition Act.

6.It is seen from the reference order that a dispute has arisen with regard to the person entitled to receive the compensation amount. Therefore, the Land Acquisition Officer has made the reference under Section 30 of the Land Acquisition Act, 1894. As already held, the acquisition proceedings initiated under the Land Acquisition Act, 1894, have not lapsed. In such circumstances, the contention of the petitioner that the Land Acquisition Officer ought to have made a reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, cannot be accepted.

7.The learned counsel for the petitioner further submitted that the respondents had played fraud upon the Court by producing



C.R.P(MD)No.1657 of 2026

WEB COPY

fabricated challans. If it is the case of the petitioner that the challans produced before this Court in earlier proceedings were fabricated, the petitioner should have pointed out the same when the said proceedings were pending. It is always open to the petitioner to move the concerned court for appropriate relief in accordance with law. The said contention cannot be gone into in the present Civil Revision Petition. Therefore, the contention raised by the petitioner in this regard cannot be accepted.

8.In the light of the above discussion, this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

01.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn

To
1.The Principal Sub Court, Tirunelveli.
2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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