

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.Nos.10604 and 10605 of 2014

and

M.P.Nos.1 and 1 of 2014

Sree Subramanyeswara Enterprises (Regd.)
Rep. by its Managing Partner
Mr.P.Dhanushkodi,
No.41/1, 7th E Cross, 5th Main Road,
Mariyappan Palayam,
Mazid Block, Srirampuram P.O.
Bangalore - 560 021.

... Petitioner/ in both
the petitions

vs.

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Tamil Nadu Housing Board,
Rep. by its Managing Director,
Nandhanam,
Chennai - 600 035.
3. The District Collector,
Collectorate,
Krishnagiri District.
4. The Special Tahsildar (Land Acquisition)
Hosur Neighborhood Scheme,
Baglur Road, TNHB Complex,
Hosur, Krishnagiri District.

... Respondents/in both
the petitions

Prayer in W.P.No.10604 of 2014 :Petition filed under Article 226 of the Constitution of India for the issuance of a writ of declaration, declaring that the acquisition proceedings initiated by the respondents vide G.O.Ms.No.975 Housing and Urban Development Department dated 12.06.1991 published in Tamil Nadu Government

Gazette on 17.07.1991 and all consequential proceedings as far as the properties of the petitioner are concerned in Survey Nos.452/1A, 452/2, and 459 at Chennathur Village, Hosur Taluk, Krishnagiri District, as lapsed, by operation of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and consequently, direct the respondents to effect necessary changes in the revenue and other records.

Prayer in W.P.No.10605 of 2014: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of declaration, declaring that the acquisition proceedings initiated by the respondents vide G.O.Ms.No.1207 Housing and Urban Development Department dated 17.09.1991 and the same was published in the Gazette on 30.10.1991 and all consequential proceedings as far as the properties of the petitioner are concerned in Survey Nos.454/2, 455/1, 457, 461/1B, 470/1, 471 and 472 at Chennathur Village, Hosur Taluk, Krishnagiri District, as lapsed, by operation of Section 24 of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and consequently, direct the respondents to effect necessary changes in the revenue and other records.

For Petitioner : Mr.C.Manishankar
in both the petitions for Mr.C.Sivakumar

For R1, R3 & R4 : Mr.V.Jayaprakash Narayanan
in both the petitions Special Government Pleader

For R2 : Mr.V.Anandhamurthy
in both the petitions

COMMON ORDER

The petitioner is the owner of the properties comprised in Survey Nos.452/1A, 452/2, 459, 454/2, 455/1, 457, 461/1B, 470/1, 471 and 472 at Chennathur Village, Hosur Taluk, Krishnagiri District. Some of the properties, namely, Survey Nos.452/1A, 452/2 and 459, were acquired by the Government, by virtue of G.O.Ms.No.975 Housing and Urban Development Department dated 12.06.1991, published in Tamil Nadu Government Gazette on 17.07.1991 and Section 6(1) declaration was also made in G.O.Ms.No.492 Housing and Urban Development Department dated 03.08.1992. The remaining properties, namely, Survey Nos.454/2, 455/1, 457, 461/1B, 470/1, 471 and 472 were acquired by the Government by virtue of G.O.Ms.No.1207 Housing and Urban Development Department dated 17.09.1991, published in Tamil Nadu Government Gazette on 30.10.1991 and declaration was also made under Section 6(1) in G.O.Ms.No.888 Housing and Urban Development Department dated 22.12.1992. Though an award was passed by the 4th respondent herein, namely, the Special Tahsildar (Land Acquisition), according to the petitioner, the award amount was not deposited and possession was also not taken by the Government as there was an order of interim stay in W.P.No.12191 of 1993 and subsequently, in

W.P.No.1862 of 2000. Therefore, since the possession has not been taken by the Government and the award amount has not been deposited, the petitioner has filed these writ petitions seeking a declaration that the earlier land acquisition proceedings deemed to have lapsed and the new act, namely, The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 alone will be applicable.

2. However, a counter affidavit has been filed by the second respondent and the 4th respondent also filed a similar counter affidavit.

3. The second respondent stated that Survey Nos.454/2 and 472/1 alone have been taken possession. According to the respondents, Survey No.454/2 has wrongly been mentioned as Survey No.452/2 in the counter affidavit.

4. In view of that, it is clear that the possession has been taken only in respect of Survey Nos.454/2 and 472/1 and in respect of other survey Numbers, namely, Survey Nos.452/1A, 459, 454/2, 455/1, 457, 461/1B, 470/1, 471 and 472 at Chennathur Village, Hosur Taluk, Krishnagiri District, possession has not been taken by the Government. Therefore, G.O.Ms.No.975, Housing and Urban Development Department dated 12.06.1991, published in Tamil Nadu Government Gazette on 17.07.1991 in respect of survey Nos.452/1A and 459 situated at Chennathur Village, Hosur Taluk, Krishnagiri District and G.O.Ms.No.1207, Housing and Urban Development Department dated 17.09.1991 published in Tamil Nadu Government Gazette on 30.10.1991 in respect of Survey Nos. 454/2, 455/1, 457, 461/1B, 470/1, 471 and 472 situated at Chennathur Village, Hosur Taluk, Krishnagiri District, have got lapsed and Section 6(1) declarations made in G.O.Ms.Nos.492 and 888 with respect to the land acquisition proceedings, have also got lapsed. Hence, the respondents are directed to effect necessary changes in the revenue records and other records with respect to the properties in question.

5. Accordingly, both the writ petitions are ordered as prayed for. No costs. Consequently, connected miscellaneous petitions are closed.

Ogy

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Managing Director,
The Tamil Nadu Housing Board,
Nandhanam,
Chennai - 600 035.
3. The District Collector,
Collectorate,
Krishnagiri District.
4. The Special Tahsildar (Land Acquisition)
Hosur Neighborhood Scheme,
Baglur Road, TNHB Complex,
Hosur, Krishnagiri District.

+4 C.Cs to MR.V.Anandhamurthy, Advocate in SR.NO.59690, 59691,
59691 of 2015

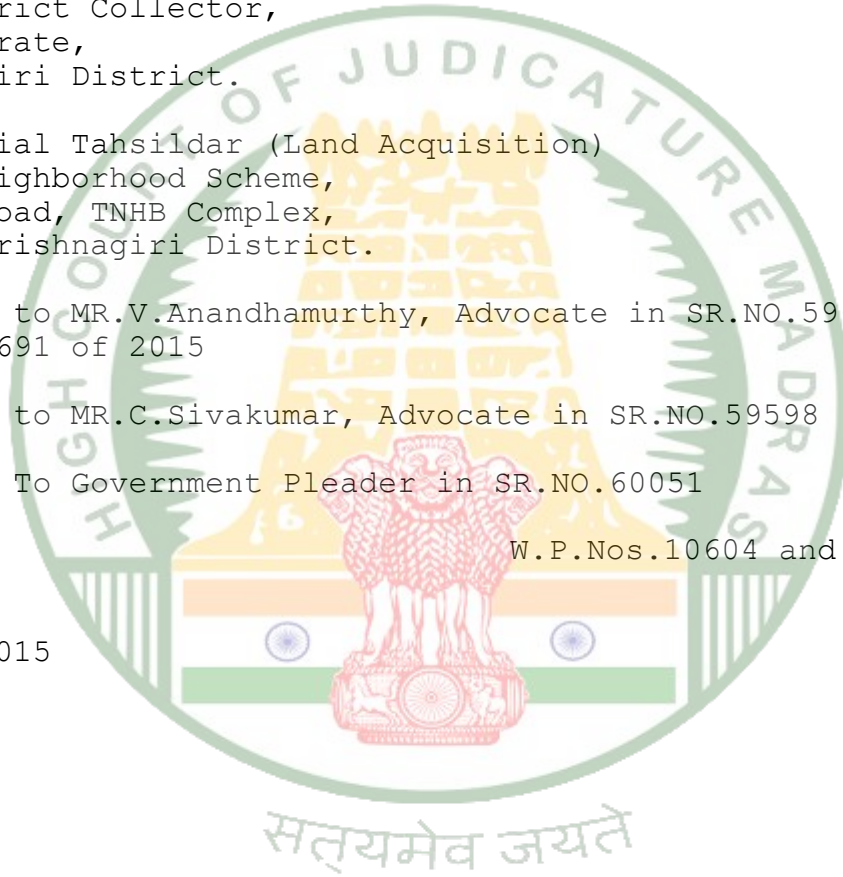
+4 C.Cs to MR.C.Sivakumar, Advocate in SR.NO.59598

+1 C.C. To Government Pleader in SR.NO.60051

W.P.Nos.10604 and 10605 of 2014

EV(CO)

sd : 26/11/2015



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