

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON:10/11/2014

DATED:20/01/2016

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.5953 of 2014

D.Anbu

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai-9.
- 2.The Tamil Nadu Housing Board,
Rep. by its Chairman & Managing Director,
Nandanam, Anna Salai,
Chennai-600 035.
- 3.The Executive Engineer and
Administrative Officer,
Vellore Housing Unit,
No.7th Road, Bharathi Nagar,
Phase-I, Sathuvachari,
Vellore-632 009.
- 4.The District Collector,
Office of the District Collector,
Vellore-632 009.
- 5.The Special Tahsildar (LA),
Housing Neighbourhood Scheme,
Ranipet-632 401.
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Declaration to declare that the Land Acquisition Proceedings initiated under the Land Acquisition Act 1894 with respect to 0.37 acres of land comprised in S.F.No.2101 belonging to the petitioner as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

For Petitioner : Mr.R.N.Amarnath

For Respondents: Mr.M.S.Ramesh

Addl. Govt. Pleader

for R1, R4 and R5

Mr.S.Vanchinathan for R2 and R3

O R D E R

The petitioner and one Krishnan are joint owners of the land to an extent of 0.37 acres comprised in Survey No.2101 situated at Wallajapet, Vellore District. The petitioner has constructed a house in the property and residing there with his family for the past several decades. After the said area became part of Wallajah Municipality, the petitioner's house is assessed to property tax and the petitioner is paying property tax to the said Municipality regularly till date. The petitioner further submits that originally his land was subjected to Land Acquisition Proceedings along with other lands in the locality under the Land Acquisition Act 1894, hereinafter called "the Old Act" by the first respondent for the purpose of Neighbourhood Scheme sponsored by the respondents 2 and 3. The Notification under Section 4(1) of the Act came to be issued in G.O.Ms.No.642, Housing and Urban Development Department dated 01.07.1985 which was followed by a Declaration in G.O.1169, dated 29.07.1986 and the said acquisition proceedings culminated in passing of an Award in Award No.3/88, dated 29.07.1988. However, the petitioner was not informed of the passing of the award by the fifth respondent at any point of time. Till date no compensation was offered and paid to the petitioner by the Land Acquisition Officer i.e., the fifth respondent herein. The petitioner has not received any compensation amount with regard to his land and the possession of the land is also with the petitioner as the Land Acquisition Officer, the fifth respondent, at no point of time took possession of the land from the petitioner.

2. The petitioner further submits that originally an extent of 211 acres (approximately) of land situated at Wallajapet and Annanthalai Villages of Vellore District including petitioner's land was sought to be acquired for Neighbourhood Housing Scheme for the benefit of the respondents 2 and 3. An extent of 16.47 acres of land was covered under the above said notifications. While passing the award in Award No.3/88, the Government excluded 1 acre of land to Vellore Electricity System Co-operative Housing Society on 10.06.1988. Hence, in the Award No.3/88 dealt with only 15.47 acres. In respect of 1.66 acres of lands situated at Annanthalai Village an award in Award No.6/88, dated 28.09.1988 was passed. The Government issued an order in G.O.Ms.No.1451, dated 28.10.1988 whereby it has dropped all the acquisition proceedings with respect to non-nodal Towns including the lands at Wallajapet, since Wallajah was not included in the nodal town list. However, the fifth respondent for the reasons best known to him proceeded the acquisition proceedings with respect to the remaining lands including the petitioner's lands exclusively owned by the persons belonging to socially, economically and educationally depressed community. The acquisition proceedings in respect of the petitioner's land and other lands of an extent of 17.13 acres owned exclusively by schedule caste persons alone were

proceeded with an Award came to be passed in Award No.3/88, dated 29.07.1988 with respect to 15.47 acres of land and another Award in No.6/88, dated 28.09.1988 with respect to 1.66 acres of land. The petitioner's land is covered in Award No.3/88. Though the award was passed in the year 1988, the petitioner was neither informed of the passing of the award nor compensation was offered and paid to the petitioner till date.

3. The petitioner further submits that the landowners in respect of 17.13 acres of land including petitioner has sent various representations to the first respondent seeking transfer of the land to him by way of exclusion of his land on par with the other landowners in respect of whom the first respondent had already dropped and excluded the acquisition proceedings. In fact, the first respondent by an order dated 10.06.1988 had ordered reconveyance of one acre of land in S.F.No.2060/2 in favour of Vellore Electricity System Co-operative Housing Society. The petitioner further submits that nearly six years after the passing of the award, taking into account of the genuine and reasonable requests of all the landowners, the second respondent by its resolution dated 24.06.1994 resolved that the lands of an extent of 17.13 acres were not required for the schemes. Since the second respondent itself resolved to abandon the above said housing schemes, they have recommended to the first respondent on 11.07.1994 for reconveying the said lands to the landowners. By another letter dated 09.01.1997, the second respondent wrote to the first respondent to re-convey the land to the landowners. The said fact of dropping of the scheme and the recommendation for reconveyance of the lands is quite evident from the letter dated 02.07.1998, sent by the third respondent to one of the landowners. Further, on 30.09.2003, the District Collector, Vellore, the fourth respondent herein also sent recommendations to the first respondent to reconvey the lands to the original owners for the reason that the lands belonging to the poor Adi-Dravida Community people and for various other reasons. Though the petitioner and other landowners made several attempts by sending various representations to the first respondent, the first respondent have not chosen to pass any orders to reconvey the lands to the landowners in spite of the fact that the second respondent resolved to drop the entire housing schemes in that locality as early as in the year 1994. While taking the decision on 24.06.1994, to reconvey the land to the ex-landowners, the second respondent have taken into consideration the facts that there is no proper access to the lands except a 20 feet road, that lands are far away from the highway, that there is no sufficient demand for houses to be constructed and that Wallajah was not included in the list of Nodal Towns by the Government. The said position has not changed till now.

4. The petitioner further submits that after the decision of the second respondent to re-convey the land to the landowners, the fourth respondent herein recommended to the first respondent through the Land Commissioner, Chepauk, Chennai, on 30.09.2003 to take steps to reconvey the lands to the owners. In the meanwhile pursuant to a letter dated 09.11.2000 from the Land Commissioner, Chepauk, Chennai, the fourth respondent conducted an enquiry to verify the particulars of the landowners as to whether the landowners are willing to refund the compensation amount received if any and to get acceptance letters from such landowners to refund the compensation amount. The petitioner further submits that the fourth respondent herein required all the landowners to appear for enquiry on 30.01.2001 by sending individual communications on 11.01.2001. Pursuant to that all the landowners including the petitioner appeared for the enquiry and gave all particulars sought for by the fourth respondent apart from giving individual letters accepting to refund the compensation amount received by the landowners if any and also relinquish the right to receive the compensation amount by the others who have not received the compensation amount as the case may be. The petitioner also participated in the enquiry on 30.01.2001. Since petitioner has not received any compensation amount, he gave consent letter as requested by the fourth respondent thereby relinquishing their demand for compensation. The consent letter dated 30.01.2001 addressed to the District Collector, was typed in the Office of the District Revenue Officer who conducted the enquiry on behalf of the District Collector by the persons employed in the said office. The consent letter was obtained by the District Revenue Officer, Vellore, North Arcot District.

5. The petitioner further submits that he is under the bonafide belief that the Government will reconvey the land to him as well as to others in view of the promise given by the Government. Pursuant to the said promise, the petitioner has invested huge money as per their requirement and capacity and put up pucca construction in the property thereby developing the property and the petitioner is residing there with their families. The petitioner further submits that the fifth respondent never took possession of the subject lands from the petitioner. In fact the fifth respondent never issued any notice to the petitioner for taking possession from him. In the subject lands, the petitioner has constructed houses and residing there with his family till date. The petitioner further submits that during the third week of the July 2012, the officials of the third respondent had tried to enter upon the petitioner's property in the guise of executing a scheme in spite of the fact that the second respondent dropped the housing scheme in that locality as early as in the year 1994. Since the petitioner and other landowners resisted the action of the officials, they left the place. Immediately, the petitioner along with krishnan have sent a representation to

the first respondent on 25.07.2012, requesting for reconveyance of the lands to them.

6. The petitioner further submits that since the first respondent failed to pass orders on the said representation, the petitioner has filed a writ petition in W.P.No.24738 of 2012 before this Court seeking a direction to the first respondent dispose the representation of the petitioner for reconveyance of the lands of the petitioner by exercising their powers under the Old Act. After taking several adjournments for filing counter, the first respondent informed this Court that the request of the petitioner came to be rejected on 08.10.2012. Recording the statement made on behalf of the first respondent, this Court was pleased to pass orders on 15.11.2012, thereby disposing the said writ petition. However, the petitioner was given liberty to challenge the proceedings of the first respondent dated 08.10.2012, if so advised. In such circumstances, the petitioner filed a writ petition in W.P.No.3075 of 2013, seeking to quash the order dated 08.10.2012, and consequently direct the first respondent to reconvey the lands to the petitioner.

7. The petitioner further submits that he was not paid the compensation till date. The petitioner was not issued with any notices under Section 12(2) of the Old Act immediately after passing of the award so as to enable to know and to receive the compensation. The possession of the land is also with the petitioner. Till date compensation amount is also not deposited before any civil Court as required under the Old Act. The petitioner further submits that in the writ petition in W.P.No.3075 of 2013, the second and third respondents admitted the fact that the petitioner is in possession of the property. Further, neither the third respondent nor the fifth respondent did not specify the date on which the petitioner was dispossessed from subject property. The petitioner further submits that the respondents 4 and 5 did not take possession of the property from the petitioner. But, in the typed set of papers filed by the respondents 2 and 3 in W.P.No.3075 of 2013, they produced a Transfer Charge Certificate dated 31.10.1988 and asserted before this Court they have taken possession from the fifth respondent. In the said certificate dated 31.10.1988, it is only stated that the Special Tahsildar (Land Acquisition), i.e, the fifth respondent herein handed over the land with the house site to the Assistant Surveyor in the Office of the third respondent.

8. The petitioner further submits that the said certificate only stated that the subject property was handed over to the third respondent by the fifth respondent. But, there is no document produced before this Court to show that the respondents 4 and 5 took possession of the property from the petitioner, in spite the award came to be passed as early as on 29.07.1988. In the absence of any proof to show that the fifth respondent took possession of the lands from the

petitioner, the certificate dated 31.10.1988 does not have any relevance or significance. The petitioner further submits that in view of the fact that the petitioner is in continuous possession and enjoyment of the property without any interference and the possession of the land is not taken from the petitioner by the respondents 4 and 5, the entire acquisition proceedings initiated under the Old Act shall be deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) hereinafter called the "The New Act", which came into effect on 01.01.2014. Hence, the respondents are barred from proceedings further under the Old Act. Section 24 of the New Act is as follows:-

"24. Land Acquisition process under Act No.1 of 1894 shall be deemed to have lapsed in certain cases:-

(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894:

(a) Where no award under Section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply: or

(b) Where an award under said Section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in Sub-Section (1), in case of Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894, where an award under the said Section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid in the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provision of this Act.

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under Section 4 of the Land Acquisition Act, shall be entitled to

compensation in accordance with the provisions of this Act."

The petitioner further submits that he was neither offered nor paid the compensation by the fourth and fifth respondents. Hence, in view of Section 24(2) of the New Act, the Land Acquisition Proceedings initiated under the Old Act become lapsed. Hence, the petitioner entreats the Court to allow the above writ petition.

9. The second and third respondents have filed a counter affidavit and resisted the above writ petition. These respondents submit that an extent of 16.47 acres had been proposed to be acquired in Walajah Town, Ananthalai Village, Vannivedu Village, Vellore District. 4(1) Notification was approved by the Government in G.O.Ms.No.642, Housing and Urban Development Department, dated 01.07.1985, and it was published at page 9 of Part II Section (2) of Supplement to the Tamil Nadu Government Gazette dated 10.07.1985, as notification No.11 (2) Hou.3566/85. The Notification was also published in the daily newspapers "The Hindu" & "Dinathanthi" on 24.07.1985 and 26.07.1985 respectfully. The contents of the said notification were also published in the locality on 08.08.1985. The Enquiry under Section 5-A of the Land Acquisition Act was conducted on 23.09.1985 and 24.09.1985. The objections raised by the landowners were communicated to the EE and Ado, Vellore and remarks obtained. After due consideration and after following all the formalities, the objections raised by the landowners overruled and the fact was communicated to the landowners under acknowledgments. The Draft Declaration under Section 6 of the Land Acquisition Act was approved by the Government in G.O.Ms.No.1169 (Housing and Urban Development Department) dated 29.07.1986. It was published at Page 1 of Part II Section 2 of the Ex-ordinary issue of Tamil Nadu Government Gazette dated 30.07.1986, as notification No.II(2)Hou/5219/A1/86. The Draft Declaration was published in the Tamil and English dailies viz., "Makkal Kural" and "News today" on 31.07.1986. It was also published in the locality on 31.07.1986. The Government in their letter 6253 (a) A1/87-4, dated 10.06.1988 have excluded the land measuring 1.00 acre in S.No.2060/2 of Walajah Town in favour of Vellore Electricity System Co-operative Housing Society Limited, Vellore.

10. The second and third respondents further submit that after following all the procedures laid down in the Land Acquisition Act, the Award was passed vide Award No.3/88 on 29.07.1988 for an extent of 15.47 acres, fixing the compensation for the land as Rs.4,878/- per acre, which also includes the petitioner's land in Survey No.2089 & 2105. The total award amount of Rs.2,05,744.25/- was paid by the Tamil Nadu Housing Board. The total extent of 15.47 acres land was handed over to TNHB on 31.10.1988. These respondents further submit that the Board in its resolution No.4.12, dated

12.01.2011 has approved scheme proposal for implementation of Area Development Scheme with 248 plots at a value of 295.00 lakhs in 17.13 acres, which also included in the above award land. During demand assessment process 5265 applications were received from public for 233 residential plots and allotments were made to the common public after conducting lot on 22.07.2011. The allottees have also paid initial deposit for the plots allotted to them. Tender has been called for carrying out development work on 31.10.2011 and the construction of sum and pump room, demarcation work, erection of bore well and road work have already been completed. Further, the petitioner's request to reconvey the land was rejected by the Government after due consideration of all the facts and the order was communicated to the petitioner herein in the Government's letter No.17269/LA2-1/2012-3, dated 08.10.2012. This Court has also disposed the writ petition in W.P.No.24738 of 2012 filed by the petitioner on 16.11.2012 giving liberty to challenge the above Government's order. The petitioner has also filed a writ petition in W.P.No.3075 of 2013 with the request to quash the Government's order dated 08.10.2012 and to reconvey the land. Subsequently, the writ petition in W.P.No.3075 of 2013 was clubbed with W.P.No.13402 of 2013, 12409 of 2013 and 12510 of 2013 and judgment was reserved by this Court.

11. The second and third respondents further submit that now the petitioner has again filed the present writ petition challenging the Old Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 with the provisions laid down in the Section 24(2) of the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013). However, it is clear that the newly enacted Land Acquisition Act cannot be applicable for the land which was taken over possession by the Tamil Nadu Housing Board on 31.10.1988 itself. Moreover, the Award compensation was also received by the landowners. Therefore, the petitioner cannot seek relief under the Land Acquisition Act 2013. The respondents further submit that the land with an extent of 0.37 Ac land in Survey No.2101 was handed over to the Tamil Nadu Housing Board on 31.10.1988 after passing of Award vide Award No.3/88, dated 29.07.1988 after following all due procedures. Necessary compensation was paid to the petitioner's land. The respondents further submit that the Award No.3/88, dated 29.07.1988, after following all the procedures laid down in the Land Acquisition Act. These respondents further submit that it has been proposed to acquire an extent of 211.90 acres in Walajah Town, Annathalai Village and Vannivedu Village. However, 1.00 acre has been excluded by the Government in Letter No.6253 (a)/A2 87-4, dated 10.06.1988 for co-operative Housing Society Ltd. Further, award was passed in Award No.3/88, dated 29.07.1988 for an extent of 15.47 acres and Award No.6/88, dated 28.09.1988 for an extent of 1.66 acres, totally to an extent of 17.13 acres. For balance extent Land Acquisition

Proceedings has been dropped by the Government vide G.O.Ms.No.1451, dated 28.10.1988 in the Wallajah Town & Vannivedu Village since the same has been covered by the non nodal towns. However, out of total extent of 17.13 Ac handed over to TNHB, no land was reconveyed to the Ex-landowners in this scheme. Further, for passing of Award, Tamil Nadu Housing Board had already paid a sum of Rs.2,21,613/- to the Land Acquisition Officer i.e., Special Tahsildar Land Acquisition (Housing). Moreover, the Award compensation was also received by the landowners.

12. The second and third respondents further submit that the Government in its G.O.Ms.No.164, Housing & Urban Development Department dated 21.07.2008 has issued orders to proceed with Housing Scheme as suggested by the Board. The Government in its Letter No.17269/LA2-1/2012-3, (Housing & Urban Development Department) dated 08.10.2012 has also rejected the request of the landowners to reconvey the land. The lay out has been got approved from the competent authority i.e., Local Planning Authority vide LP/DY DTCP (VR) No.14/2011, dated 30.06.2011 for implementation of a comprehensive housing scheme. The Board in its resolution No.4.12, dated 12.01.2011 has approved the scheme for implementation of 248 plots at a value of Rs.295.00 Lakhs. During demand assessment process 5265 applications were received from public for 233 residential plots and allotment was made to the common public after conducting lot on 22.07.2011. The allottees have also paid initial deposit for the plots allotted to them and tender has been called for, for carrying out development work on 31.10.2011 and the construction of sump and pump room, demarcation work, erection of Bore well and road work had already been completed. The respondents further submit that the Government in Letter No.17269/LA2-1/2012-3, dated 08.10.2012 have rejected the request of the petitioner to reconvey the land, since the land is essentially required to TNHB as the layout has been got approved from the competent authority and allotted to the common people.

13. The second and third respondents further submit that the petitioner has already addressed the Government to reconvey the land and also filed writ petition in W.P.No.24738 of 2012. As the request of the petitioner could not be complied with at the present stage, the Government in letter No.17269/LA2-1/2012-3, dated 08.10.2012 have rejected the request of the petitioner and this Court has disposed the writ petition in W.P.No.24738 of 2012 on 16.11.2012 giving liberty to challenge the above Government letter. Again the petitioner has filed the writ petition in W.P.No.3075 of 2013 for reconveyance and challenged the rejection letter dated 08.10.2012. Further, all the similar batch cases in W.P.Nos.3075/2013, 12409/13, 13402/13 and 12510/13 filed for reconveyance were made for judgment reserved by this Court and pending.

14. The second and third respondents further submit that the possession of the land handed over to TNHB on 31.10.1988 after completing all Land Acquisition Proceedings by the Land Acquisition Officer and the scheme was already been implemented. The layout has been approved by the competent authority i.e., Local Planning Authority, Vellore vide LP/DY DTCP (VR)No.14/2011, dated 30.06.2011 and the construction of sump and pump room, demarcation work, erection of bore well work and road work is completed and 233 residential plots were allotted to the common public after conducting lot on 22.07.2011. The respondents further submit that it is crystal clear that the New Land Acquisition Act is applicable only for the Land Acquisition Proceedings initiated after declaration of New Act not for the land in the belated stage of the proceedings i.e., after 28 years later from the Section 4(1) Notification. The land under reference was acquired and handed over to TNHB on 31.10.1988 by the Land Acquisition Officer after completing all Land Acquisition Proceedings under Old Land Acquisition Act. The respondents further submit that Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 will not be applicable, since the land was taken over possession and compensation was made. Hence, the request of the petitioner seeking relief under the New Land Acquisition Act does not arise.

15. The second and third respondents further submit that the petitioner has filed the above writ petition challenging the Old Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 with respect to 0.53 Ac in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013). However, it is clear that the New Land Acquisition Act applicable only for the Land Acquisition Proceedings initiated after declaration of New Land Acquisition Act and not for the land in the belated stage of the proceedings i.e., 28 years later from the Section 4(1) Notification. Moreover, the Award compensation was also received by the landowners and the land was also taken over as early as 31.10.1988 and scheme was implemented. Hence, the requisition for seeking relief under New Land Acquisition Act does not arise. Hence, these respondents entreat the Court to dismiss the above writ petition.

16. The learned counsel Mr.R.N.Amarnath, appearing for the petitioner submits that the petitioner is the co-owner of the subject matter of land comprised in Survey No.2101, situated at Wallajahpet to an extent of 0.37 acres. He has put up a house and residing there in for the past several decades. The co-owner namely Krishnan together with his family members are residing there. The petitioner is remitting property tax to the Wallajahpet Municipality. The first respondent had issued a G.O. to acquire the subject matter of the land under the old Act. The acquisition

proceedings had been initiated in the year 1985 and the same was completed in the year 1988. The petitioner was not informed about the land acquisition proceedings and also compensation was not offered. The petitioner and his family members are still residing there without any interference by the third parties especially the respondents herein. The said land had been acquired along with the lands of others to an extent of around 211 acres for the Neighbourhood Scheme. After acquiring the said land a part of the acquired land have been utilized and a portion of the land has been discharged from acquisition proceedings. The petitioner belonging to the weaker section and he has no movable property except the subject matter of land.

17. The highly competent counsel further submits that the petitioner had sent representations to the first respondent to reconvey the lands to them on par with other land owners, in respect of them, the first respondent had already dropped and excluded the acquisition proceedings. The first respondent has ordered reconveyance of land to an extent of 1 acre comprised in Survey No.2060/2 to and in favour of Vellore Electricity System Co-operative Housing Society. A portion of the land to an extent of 17.13 acres were not required for the Neighbourhood Scheme. The second respondent also recommended to the first respondent for reconveyance of the said land to the land owners. Similar recommendation made by the District Collector also. For reconveying the said lands various reasons had been assigned, one of the reason was the land owners belonging to the Schedule Caste category, after the receipt of the representation, the respondents have not passed any orders.

18. The very competent counsel further submits that the acquired lands have not been utilized for the original said purpose and plan. The District Collector also conducted an enquiry wherein the District Collector suggested to refund the compensation amount if paid to the land owners. The officials of the third respondent had attempted to enter into the subject lands in the month of July 2012. Immediately, the petitioner and joint owner had sent a representation to the first respondent. After receipt of the said representation, the first respondent remained silent, hence the petitioner filed a writ petition before this Court for direction, the same was ordered to the first respondent, consequently the first respondent rejected the petitioner's claim. It is an undisputed fact that the petitioner has not received any compensation and also he and his family members are residing on the subject lands after raising a superstructure and also after obtaining electricity and water connections. The petitioner is also remitting mandatory taxes to the Statutory Authorities, therefore the petitioner is entitled to receive relief under Section 24(1) of the new Act.

19. The highly competent counsel Mr.M.S.Ramesh, appearing for the respondents 1, 4 and 5 submits that the second and third respondents are requested bodies and on their requests the first respondent issued a Government Order to acquire the vast lands including petitioner's land for the purpose of a Neighbourhood Scheme to that effect, the first respondent had issued a G.O. on the strength of the G.O. the fifth respondent herein / Land Acquisition Officer had initiated land acquisition proceedings under the old Act after strictly adhering to all legal formalities. The acquisition proceedings had been completed in the year 1986 itself. Award had been passed in the year 1988. After acquiring the said lands the same was handed over to the Tamilnadu Housing Board, who developed the area and plotted out and the same was allotted to the general public. The allottees had also paid an initial deposit for their respective allotted plots. Now, the acquired properties are occupied by the various allottees. Therefore, the compensation is properly assessed and award also passed in favour of the land owners, hence the very competent counsel entreats the Court to dismiss the above writ petition.

20. The highly competent counsel Mr.S.Vanjinathan, appearing for the second and third respondents submits that the land acquisition officer had acquired the lands to an extent of 15.47 acres including the petitioner's lands under the old Act, after observing all legal formalities. The fifth respondent had assessed the compensation and passed awards in favour of the respective land owners including the writ petitioner herein on 29.07.1988. The acquired lands had been handed over to the Housing Board who implemented the Neighbourhood Scheme. The acquired lands also allotted to the general public. More over the award of compensation was received by the respective land owners, therefore the petitioner's relief is not maintainable since he had received compensation and the subject lands under the care of maintenance of the Housing Board and occupied by the respective allottees, hence the learned counsel entreats the Court to dismiss the above writ petition.

21. Considering the facts and circumstances of the case and arguments advanced by the highly competent counsels on all side and on perusing the typed set of papers, the views of this Court that it is seen from the counter statement which has been filed on the basis of documentary facts maintained by the Government, as such the notification issued under Section 4(1) of the old Act was published on 01.07.1985, after observing subsequent legal formalities, the award has been passed on 29.07.1988. The acquired lands including petitioner's land to an extent of 15.47 acres handed over to the Tamilnadu Housing Board on 31.10.1988 who in turn had allotted the residential plots to the general public on

22.07.2011. As such, the relief sought for under Section 24 (1) of the New Act cannot be entertained, hence the above writ petition is dismissed.

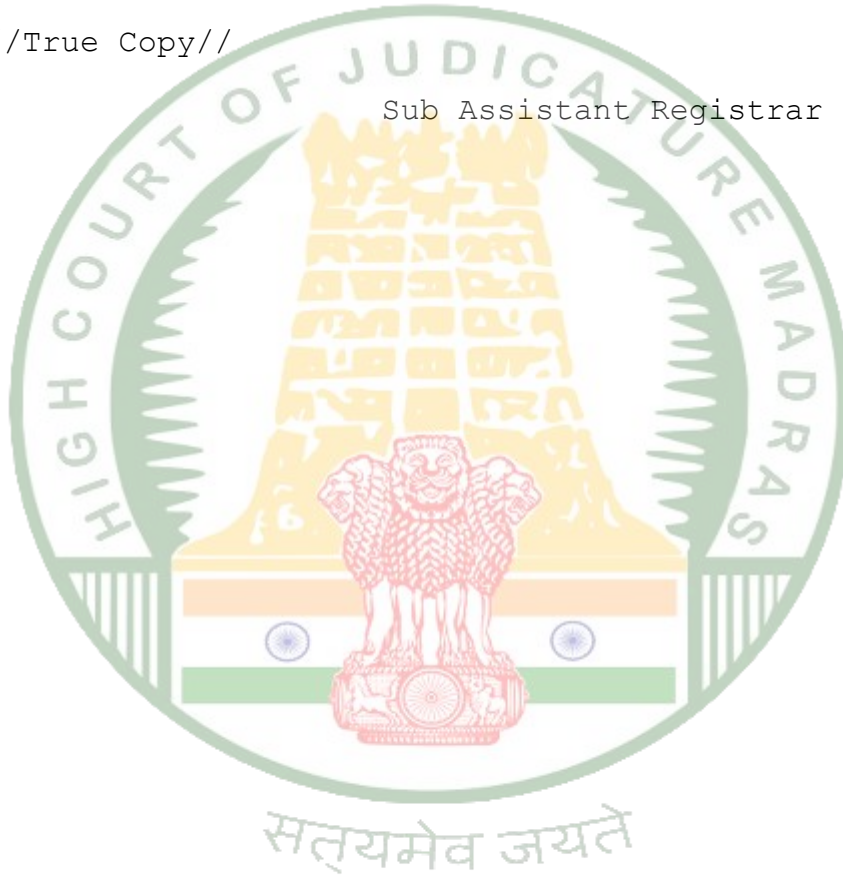
22. In the result, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vs/ub



WEB COPY

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Housing & Urban Development Department,
Fort St. George, Chennai-9.
 - 2.The Tamil Nadu Housing Board,
Rep. by its Chairman & Managing Director,
Nandanam, Anna Salai,
Chennai-600 035.
 - 3.The Executive Engineer and
Administrative Officer,
Vellore Housing Unit,
No.7th Road, Bharathi Nagar,
Phase-I, Sathuvachari,
Vellore-632 009.
 - 4.The District Collector,
Office of the District Collector,
Vellore-632 009.
 - 5.The Special Tahsildar (LA),
Housing Neighbourhood Scheme,
Ranipet-632 401.
Vellore District.
- + 4 ccs to M/s. R.N.Amarnath, Advocate SR.3172

W.P.No.5953 of 2014

ALA(CO)
EU 07.03.16

सत्यमेव जयते

WEB COPY