

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14788 of 2016

1.Hassen
2.Sabeha
3.Nisrath

.. Petitioners

Vs.

1.State of Tamil Nadu
rep by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2.Tamil Nadu Housing Board,
rep by its Chairman - cum - Managing Director,
No.493, Anna Salai,
Chennai - 600 035.

3.The Executive Engineer,
Tamil Nadu Housing Board, Bagalur Road,
Hosur, Krishnagiri District.

4.The Special Tahsildar,
Land Acquisition,
Housing Scheme, Bagalur Road,
Hosur, Krishnagiri District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India seeking for a writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of the land bearing Plot No.21 measuring an extent of 1080 Sq.ft. comprised in Survey No.863 situate at Chennathur Village, Hosur Taluk, Krishnagiri District covered by Notification issued under Section 4(1) of the Land Acquisition Act, 1894 in G.O.Ms.890, Housing and Urban Development Department dated 29.05.1991 and Section 6 Declaration in G.O.Ms.No.691 Housing and Urban Development Department dated 09.10.1992 deemed to have lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013.

For Petitioners: Mr.R.Bharath Kumar

For Respondents: Mr.R. Rajeswaran,
Special Government Pleader (R1 & R4)
Mr.V.Anandamoorthy (R2 & R3)

O R D E R

Heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioners, Mr.Rajeswaran, learned Special Government Pleader accepting notice on behalf of the respondents 1 & 4 and Mr.V.Anandamoorthy, learned counsel accepting notice on behalf of the respondents 2 & 3. By consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioners seek for issuance of a writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of the land bearing Plot No.21 measuring an extent of 1080 Sq.ft. comprised in Survey No.863 situate at Chennathur Village, Hosur Taluk, Krishnagiri District covered by Notification issued under Section 4(1) of the Land Acquisition Act, 1894 in G.O.Ms.890, Housing and Urban Development Department dated 29.05.1991 and Section 6 Declaration in G.O.Ms.No.691 Housing and Urban Development Department dated 09.10.1992 deemed to have lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013.

3.The learned counsel appearing for the petitioners submitted that the issue involved in this Writ Petition is squarely covered by an earlier order of this Court passed in W.P.No.27224 of 2014 etc., dated 04.04.2016.

4.It is submitted that in the said Writ Petitions, the same Notification was the subject matter of challenge and it pertains to the neighbouring plot owners and this Court, after considering the submissions made on either side, allowed the Writ Petition holding that the provisions of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 would be attracted and consequently, the entire land acquisition proceedings shall stand lapsed insofar as the petitioners therein are concerned.

5.It is not in dispute that the petitioner herein is also similarly placed as that of the petitioners in W.P.No.27224 of 2014 etc dated 04.04.2016.

6.In the result, following the above cited order, the present Writ Petition is allowed, by holding that the provisions of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 would be attracted and consequently, the entire land acquisition proceedings shall stand lapsed insofar as the petitioners are concerned. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

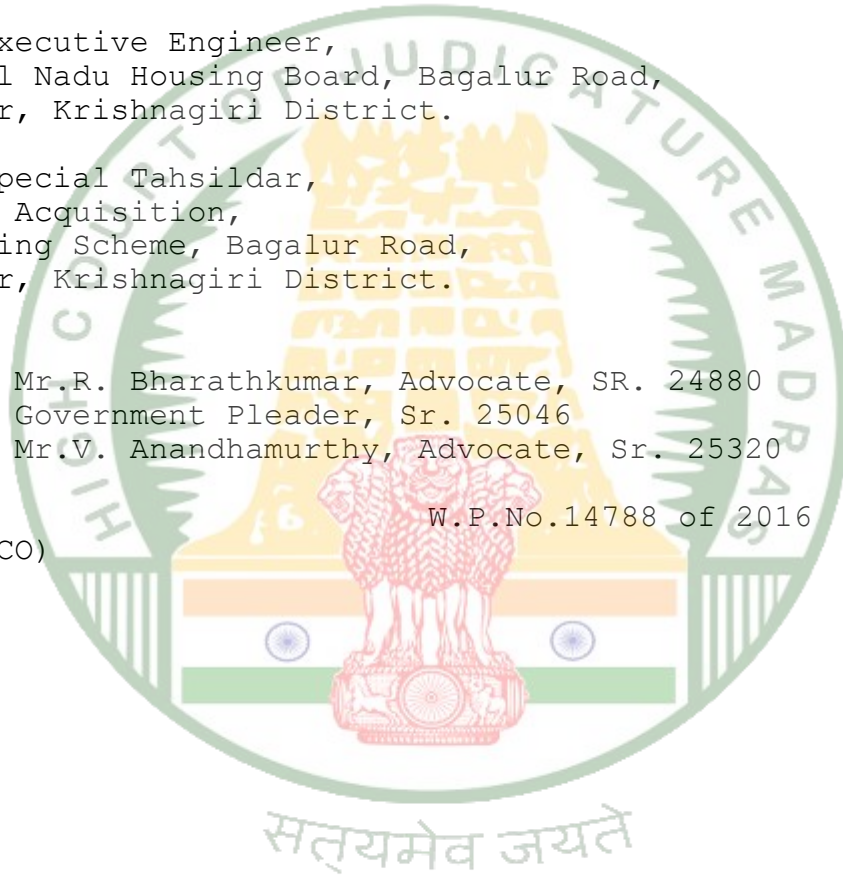
To

- 1.The Secretary to Government,
State of Tamil Nadu
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
- 2.The Chairman - cum - Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Chennai - 600 035.
- 3.The Executive Engineer,
Tamil Nadu Housing Board, Bagalur Road,
Hosur, Krishnagiri District.
- 4.The Special Tahsildar,
Land Acquisition,
Housing Scheme, Bagalur Road,
Hosur, Krishnagiri District.

- 1 cc to Mr.R. Bharathkumar, Advocate, SR. 24880
1 cc to Government Pleader, Sr. 25046
1 cc to Mr.V. Anandhamurthy, Advocate, Sr. 25320

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GJ II (CO)
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