

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.34616 OF 2014

- 1.Venkatamma @ Venkata Lakshamma
- 2.Nagaraj
- 3.Smt.Girija
- 4.Smt.Bagya
- 5.Smt.Padma
- 6.K.Varadaraj

.... Petitioners

-Vs-

1. State, rep.by its Secretary,
Housing & Urban Development Dept.,
Fort St.George,
Chennai-600 009.
2. Tamil Nadu Housing Board,
rep.by its Managing Director,
No.33, Anna Salai,
Nandanam,
Chennai-600 035.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Bhagalur Road,
Hosur-635 109.
4. The Special Tahsildar (L.A.),
Hosur Housing Scheme,
Bhagalur Road,
Hosur,
Krishnagiri District.

.... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of declaration, declaring that the land acquisition proceedings initiated under the Land Acquisition Act,1894, in respect of land measuring an extent of 0.83.5 hectares comprised in Survey No.931/2, Hosur Village and Taluk, Krishnagiri District, covered by Notification issued under Section 4 (1) of the Land Acquisition Act,1894, vide G.O.Ms.No.1459, Housing and Urban Development, Department, dated 15.11.1991, and Declaration

under Section 6 of the Land Acquisition Act, 1894, vide G.O.Ms.No.20, Housing and Urban Development Department, dated 08.01.1993, 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 1 & 4 : Mr.R.Rajeswaran,
Special Government Pleader

For respondents 2 & 3 : Mr.V.Anandha Murthy

O R D E R

Heard Mr.R.Bharath Kumar, learned counsel for the petitioner; Mr.R.Rajeswaran, learned Special Government Pleader, for respondents 1 and 4; and Mr.V.Anandha Murthy, learned counsel for respondents 2 and 3.

2. This Writ Petition has been filed for issuance of a writ of declaration, declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, in respect of land measuring an extent of 0.83.5 hectares comprised in Survey No.931/2, Hosur Village and Taluk, Krishnagiri District, covered by Notification issued under Section 4 (1) of the Land Acquisition Act, 1894, vide G.O.Ms.No.1459, Housing and Urban Development Department, dated 15.11.1991, and Declaration under Section 6 of the Land Acquisition Act, 1894, vide G.O.Ms.No.20, Housing and Urban Development Department, dated 08.01.1993, are 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 (Central Act 30 of 2013).

3. The undisputed facts are that the petitioners were owners of the lands measuring an extent of 0.83.5 hectares comprised in Survey No.931/2, Hosur Village and Taluk, Krishnagiri District, which were acquired by the Government for a project of Tamil Nadu Housing Board.

4. Petitioners have challenged the impugned acquisition as having been lapsed on the ground of no compensation has been paid to them nor the amount deposited before any Court by the Land Acquisition Tahsildar. Further, it is contended that physical possession of the land has not been taken over by the respondents till-date.

5. Learned counsel for the respondent Board has handed over a Proforma of the subject Writ Petition, prepared by the Executive Engineer and Administrative Officer, Hosur

Housing Unit. In the said proforma, which is, in fact, the written instruction given by the respondent in the writ petition, it is clear that the compensation amount has not been paid to the petitioners/land owners, nor the same deposited before the Civil Court, but has been retained in the work deposit. So far as possession is concerned, it has not been taken over from the petitioners. It is admitted in the said proforma that site was not included in the layout.

6. In this context, it is relevant to refer to two recent decisions of a Hon'ble Division Bench of this Court, one in Tamil Nadu Housing Board and Another v. iGate Global Solutions Limited, 2016 (2) MLJ 385, and the other in R.Rajaram and five others v. Secretary to Government, Housing and Urban Development Department, Fort St.George, Chennai, and two others, CDJ 2016 MHC 673, wherein, the land acquisition proceedings impugned therein have been held lapsed, in view of Section 24 (2) of Act 30 of 2013.

7. Following the ratio laid down by the Division Bench in the above decisions, this Writ Petition stands allowed and the impugned acquisition proceedings are quashed. No costs. Consequently, the connected M.P.No.1 of 2014 is closed.

Sd/-

Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Housing & Urban Development Dept.,
Fort St.George,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
No.33, Anna Salai,
Nandanam,
Chennai-600 035.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Bhagalur Road,
Hosur-635 109.

4. The Special Tahsildar (L.A.),
Hosur Housing Scheme,
Bhagalur Road,
Hosur,
Krishnagiri District.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.18465
+1cc to Mr.V.Anandha Murthy, Advocate, S.R.No.18322
+1cc to the Government Pleader, S.R.No.18337

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CA(07/04/2016)



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