

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2016

Coram

The Hon'ble Mr. Justice T.S.SIVAGNANAM

Writ Petition No.29866 of 2015

1.S.Manohar

2.Sumathi

3.Prema

4.R.Muthuswamy

5.A.Uthayarani

6.N.Selvi

7.M.Nidhi

...Petitioners

Vs.

1. The State of Tamilnadu

rep. by its Secretary to Govt. Housing &
Urban Development Department Fort St.
George Chennai-9

2 Adi Dravidar & Tribal Welfare
Department Fort St. George Chennai-9

3 Principal Secretary and
Commissioner of Land Administration Chepauk
Chennai-5

4 District Adi Dravidar Welfare
Officer Tiruppur

5 District Adi Dravidar Welfare
Officer Erode District Erode

6 Special Tahsildar
Adi Dravidar & Tribal Welfare Kangayam

7 The District Collector
Erode District Erode

8 The District Collector
Tiruppur District Tiruppur

9 Special Tahsildar
Adi Dravidar & Tribal Welfare Tiruppur

10 The Commissioner
Adi Dravidar Welfare
Chennai 5.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Declaration, to declare that the entire land acquisition proceedings initiated under the Land Acquisition Act 1894 in respect of the lands of an extent of 0.97.0 Hectares comprised in Survey No.46/2B at Sarkar Periyapalayam Village Perunthurai Taluk Erode District belonging to the petitioners as lapsed 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).

For Petitioner : Mr.A.V.Raja
For Respondents : Mr.R.Rajeswaran, Spl.G.P

O R D E R

Heard Mr.A.V.Raja, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, Spl.G.P. for the respondents.

2. Petitioner has filed this writ petition to declare that the land acquisition proceedings initiated under the Land Acquisition Act 1894 in respect of the lands of an extent of 0.97.0 Hectares comprised in Survey No.46/2B at Sarkar Periyapalayam Village Perunthurai Taluk Erode District belonging to the petitioners as lapsed 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).

3. The lands owned by the petitioners were acquired for a scheme to provide house sites to landless Adi Dravidars residing at Sarkar Periyapalayam Kaspas of Sarkar Periyapalayam Village in Uthukuli Taluk in Tiruppur District. The petitioners case is that the compensation amount has not been paid and the possession has not been taken over and for twenty years it has not been utilized for any of the Scheme of the Government. Thus by relying upon Section 24(2) of Act (30/2013), the petitioners state that the entire land acquisition proceedings are lapsed.

4. One need not labour much to take a decision in this writ petition, in the light of the candid admissions made by the respondents in the counter affidavit. In paragraph 9 of the counter affidavit, the respondents have admitted that the possession has not been taken over by the Government nor the land has been utilized for house site purpose for which it has

been acquire or not utilized for any other Government purposes for more than twenty years. Further, it has been admitted that the land is not in possession of the any Government department. That apart, it is seen from the counter affidavit that the Land Acquisition Officer/Special Tahsildar, Tiruppur recommended to drop the land acquisition proceedings as there will be a huge revenue loss to Government and if further enhanced compensation to be paid the cost would work out Rs.50,00,000/- per acre. That apart, the District Collector, Erode, has sent proposals to the Government dated 29.09.1990 and 20.09.2003 recommending that the land acquisition proceedings to be dropped and the reason being that there will be a huge financial outlay for the said project. Further it is stated that the beneficiaries have been given house sites under the Natham settlement scheme. From the counter affidavit, it is further seen that the Government is yet to take a decision on the proposal. However, such decision need not be taken in the light of the provisions of Section 24(2) which clearly holds that in cases where compensation has not been paid or possession has not been taken over, the proceedings initiated would stand lapsed.

5. Thus in the light of the above, the writ petition is allowed and the impugned land acquisition proceedings are held to be lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013). No costs.

Sd/-
Assistant Registrar(CS-IV)

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Sub Assistant Registrar

To

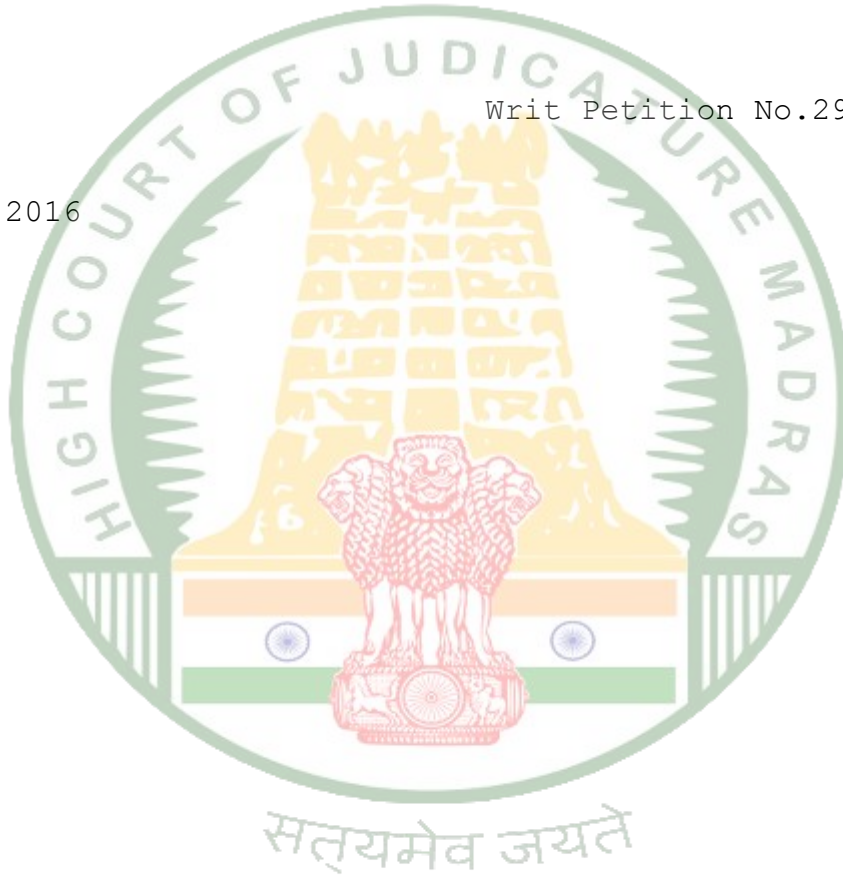
1. The Secretary to Govt. Housing & Urban Development Department Fort St. George Chennai-9
2. Adi Dravidar & Tribal Welfare Department Fort St. George Chennai-9
3. Principal Secretary and Commissioner of Land Administration Chepauk Chennai-5
4. District Adi Dravidar Welfare Officer Tiruppur
5. District Adi Dravidar Welfare Officer Erode District Erode
6. Special Tahsildar Adi Dravidar & Tribal Welfare Kangayam

7 The District Collector
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10 The Commissioner
Adi Dravidar Welfare
Chennai 5.

+ 1 cc to Mr.A.V.Raja, Advocate Sr 16222 (18/3/16)

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