

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition Nos.9297 to 9303 of 2015

U.Gandhi	... Petitioner in W.P.9297 of 2015
M.Sivappa	... Petitioner in W.P.9298 of 2015
M.Govindappan	... Petitioner in W.P.9299 of 2015
M.Ramaiah	... Petitioner in W.P.9300 of 2015
R.Venkatesh	... Petitioner in W.P.9301 of 2015
M.Prema	... Petitioner in W.P.9302 of 2015
Mrs.Sobha	... Petitioner in W.P.9303 of 2015

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Secretariat Chennai-9.
2. Tamil Nadu Housing Board
Rep. by its Chairman-cum-Managing Director
No.493 Anna Salai
Chennai-35.
3. The Special Tahsildar
Land Acquisition Housing Scheme
Bagalur Road Hosur
Krishnagiri District. ... Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Declaration, declaring that the Land Acquisition proceedings initiated under the Land Acquisition Act 1894 in respect of land bearing Plot No.5, 3, 1, 12, 41, 47, 30 respectively measuring an extent of 1200 sq.ft., 1200 sq.ft., 1480 sq.ft., 1680 sq.ft., 1540 sq.ft., 1200 sq.ft., 1742.50 sq.ft., respectively comprised in Survey No.864, 864, 864, 863, 864, 864, 863 respectively 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. No.890 Housing and Urban Development Department dated 29.5.1991 and Section 6 Declaration in G.O.Ms.No.691 Housing and Urban Development Department dated 9.10.1992 deemed to have lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

For Petitioners : Mr.R.Bharath Kumar

For Respondents : Mr.R.Rajeswaran,
Special Government Pleader
for R 1& 3 in all W.Ps

Mr.V.Anandha Murthy for R2 in all W.Ps

C O M M O N O R D E R

Heard Mr.R.Bharath Kumar, learned Counsel appearing for the petitioners, Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1and 3and Mr.V.Anandha Moorthy, learned counsel appearing for the 2nd respondent in all these Writ Petitions and with the consent of the learned counsel on either side, the Writ Petitions are taken up for final disposal.

2. It is submitted by the learned counsel for the petitioners that the issue involved in these writ petitions are squarely covered by the order iof this Court in W.P.Nos.9753 to 9755 of 2015 dated 04.04.2016.The learned counsel for the respondents do not dispute the position. The operative portion of the order reads as follows:

6.However, the law on the issue has been settled by the Hon'ble Division Bench in case of R.Rajaram and five others vs. The Secretary to Government and two others [W.A.No.1100 of 2014 dated 26.02.2016]. The Hon'ble Division Bench, after considering the law on the issue held that if the land owner has not been dispossessed or the Award has not been passed within five years, the land owner is entitled to protection under section 24(2) of the Act.

7.In the light of the above, as both the parameters have been fulfilled, it has to be necessarily held that the petitioners are entitled to the benefits of section 24 (2) of the Act."

3. In the result, the Writ Petitions are allowed, by holding that the provisions of section 24 (2) of the Act would be attracted and consequentially, the entire land acquisition proceedings shall stand lapsed, in so far as the petitioners are concerned. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to State of Tamil Nadu Government
Housing and Urban Development Department
Secretariat Chennai-9.
2. The Chairman cum Managing Director
Tamil Nadu Housing Board
No.493 Anna Salai Chennai-35.
3. The Special Tahsildar
Land Acquisition Housing Scheme
Bagalur Road
Hosur Krishnagiri District.

+8cc's to Mr.R.Bharath Kumar, Advocate, S.R.No.22417

+7cc's to Mr.V.Anandha Murthy, Advocate, S.R.Nos.22170 to 22176

Writ Petition Nos.9297 to 9303 of 2015

CTK(CO)
CA(21/04/2016)

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