



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon'ble Mr.Justice P.D.AUDIKESAVALU

WP(MD) Nos.24421 to 24424 of 2016

T.SUBBIAH	... PETITIONER IN WP(MD)No.24421/2016
SYED WAKAB	... PETITIONER IN WP(MD)No.24422/2016
RAHAMATH NISHA	... PETITIONER IN WP(MD)No.24423/2016
RASITHA BEGAM	... PETITIONER IN WP(MD)No.24424/2016

Vs

1 THE GOVERNMENT OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
HOUSING & URBAN DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 9

2 THE REVENUE DIVISIONAL OFFICER,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

3 THE EXECUTIVE ENGINEER AND ADMINISTRATIVE OFFICER,
RAMANATHAPURAM HOUSING UNIT (TNHB),
RAMANATHAPURAM.

... RESPONDENTS
IN ALL THE PETITIONS

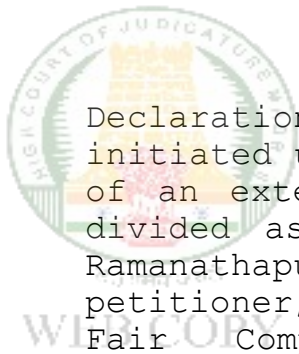
Prayer in WP(MD). 24421/ 2016 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act 1894 in respect of the land of an extent of 4143 3/4 sq.ft. comprised in survey No.331/8, situated at Pattinamkathan Village, Ramanathapuram, Ramanathapuram District belonging to the petitioner 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).

Prayer in WP(MD). 24422/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of

<https://hcservices.ecourts.gov.in/hcservices/>



Declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act 1894 in respect of the land of an extent of 6.5 cents comprised in Survey no.332/6, now sub divided as Survey No.332/6C, situated at Pattinamkathan Village, Ramanathapuram, Ramanathapuram District, belonging to the petitioner, 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).

Prayer in WP(MD). 24423/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act 1894 in respect of the land of an extent of 10 cents comprised in Survey no.332/6, now sub divided as Survey No.332/6C, situated at Pattinamkathan Village, Ramanathapuram, Ramanathapuram District, belonging to the petitioner, 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).

Prayer in WP(MD). 24424/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act 1894 in respect of the land of an extent of 5898 sq.ft. comprised in survey No.332/2, situated at Pattinamkathan Village, Ramanathapuram, Ramanathapuram District belonging to the petitioner 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).

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.R.N.AMARNATH, Advocate for the petitioner in all the petitions, the court made the following order:-

The Petitioners in these Writ Petitions relying on Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (hereinafter referred to as 'the Act of 2013' for short) have claimed benefit of deemed lapse of land acquisition proceedings that had been initiated in respect of the property belonging to him under the provisions of the Land Acquisition Act, 1894. The interpretation of Section 24(2) of the Act of 2013 has been considered by the Constitution Bench of the Hon'ble Supreme Court in **Indore Development Authority Vs. Manoharlal and others** (Order dated 06.03.2020 in S.L.P. (C) No.9036-9038 of 2016) and it has been held as follows:-



"8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority as on 01.01.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years."

Having regard to that legal position viz-a-viz the claim made by the Petitioner, the Respondents shall file Counter-Affidavit giving specific particulars of taking possession and making payment of compensation with relevant dates and supporting documents in respect of the land acquired from the Petitioners in these Writ Petitions, before the next hearing.

Post the matter on 20.04.2020.

sd/-
19/03/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
HOUSING & URBAN DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 9
- 2 THE REVENUE DIVISIONAL OFFICER,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

ORDER IN
WP(MD) Nos.24421 to 24424/2016
Date :19/03/2020

TA
TE/VR/SAR-III : 06/05/2020 : 3P/3C