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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.08.2021

PRONOUNCED ON : 17.09.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.NOS.29265 OF 2005 & 26819 OF 2014 AND
WPMP.NO.32012 OF 2005, MP.NO.1 OF 2014
& WVMP.NO.144 OF 2008

WP.No.29265 of 2005

N.Janaki

..Petitioner

Vs.

State of Tamilnadu,
Rep. by Secretary to Government,
Housing and Urban Development
Department, Madras-9

..Respondent

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of declaration declaring that the land acquisition proceedings in respect of the land admeasuring 0.02 acres in S.No.336/4T7 and land admeasuring 0.48 acres situated in S.No.336/5C2, totally admeasuring 0.50 acres in Maraimalainagar as having lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(prayer amended vide court order dated 24.09.2018 made in WPMP.No.192 of 2014 in WP.No.29265 of 2005)

For Petitioner : Mr.R.Parthasarathy

For Respondent : Mr.Richardson Wilson,
Government Advocate

WP.No.26819 of 2014

N.Janaki

..Petitioner

Vs.



State of Tamilnadu,
Rep. by Secretary to Government,
Housing and Urban Development
Department, Chennai-9

..Respondent

WEB COPY: PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of declaration declaring that the land acquisition proceedings in respect of the land admeasuring 0.02 acres in S.No.336/4T7 and land admeasuring 0.48 acres situated in S.No.336/5C2, totally admeasuring 0.50 acres in Maraimalainagar as having lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.R.Parthasarathy

For Respondent : Mr.Richardson Wilson,
Government Advocate

COMMON ORDER

The writ petition in WP.No.29265 of 2005 has been filed to issue a writ of declaration declaring that the land acquisition proceedings in respect of the land admeasuring 0.02 acres in S.No.336/4T7 and land measuring 0.48 acres situated in S.No.336/5C2, totally admeasuring 0.50 acres in Maraimalainagar as having lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; the writ petition in WP.No.26819 of 2014 has been filed to issue a writ of declaration declaring that the land acquisition proceedings in respect of the land admeasuring 0.02 acres in S.No.336/4T7 and land admeasuring 0.48 acres situated in S.No.336/5C2, totally admeasuring 0.50 acres in Maraimalainagar as having lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

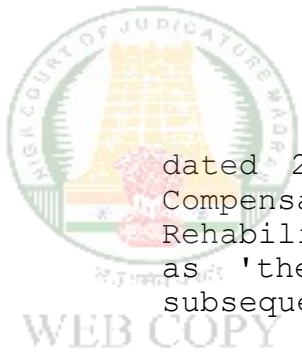
2. The petitioner originally filed writ petition in WP.No.29265 of 2005 challenging the order passed by the respondent dated 26.07.2005 in letter No.7822/UD3(L)/ 2004-14. While pending the writ petition, the petitioner filed amendment petition and accordingly, the prayer was amended by the order dated 24.09.2018 for declaration declaring that the entire land acquisition proceedings lapsed as per Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. While pending the writ petition in WP.No.29265 of 2005, the petitioner filed



another writ petition in WP.No.26819 of 2014 with the very same prayer for the very same property.

3. The case of the petitioner is that an industry called M/s.Rajalakshmi Foundry situated in the subject property which was purchased in the year 1970. It was subsequently expanded by putting up additional construction in the subject land in question, which was situated in a backward area which has now been declared as an area for industrial promotion encroached by Small Industries Promotion Corporation of Tamil Nadu(SIPCOT). While being so, an acquisition proceedings was initiated in the year 1974 and culminated in a declaration under Section 6 of the Land Acquisition Act vide G.O.Ms.No.1700 Rural development and Local Administration dated 15.10.1977. It was acquired for the purpose of development of a new satellite town near Madras known as Maraimalainagar, M.M.D.A. The petitioner is running a granite industry and she was not aware of the acquisition proceedings and came to know when she received notice in Form VII under Section 9 (3) r/w Section 10 of the Land Acquisition Act. Therefore, she filed writ petition in WP.No.133 of 1987 challenging the acquisition proceedings on the ground that the award has been passed after nearly 13 years. This Court granted interim stay by order dated 29.04.1987 and it was made absolute with regards to taking possession alone by order dated 05.08.1987. Subsequently, the writ petition was dismissed on 06.07.1994. Aggrieved by the same, the petitioner preferred appeal in WA.No.798 of 1995 and obtained interim stay. Thereafter, it was partly allowed and ordered to pay interest at the rate of 15% from 1979 to 1996 and upheld the acquisition proceedings.

3.1 Further, the lessee of the petitioner, M/s.Duncan Moneills Mines and Granites Limited also filed writ petition in WP.No.6765 of 1996 as against the order thereby rejected the request of the lessee for dropping the land acquisition proceedings in respect of the piece of lands comprised in survey No.336/4T7 and 336/5C2 situated at Kattankolathur Village. It was dismissed by order dated 24.01.2003. Aggrieved by the same, the lessee also filed writ appeal in WA.No.722 of 2004 and the same was allowed and the proceedings was remanded back to the State Government to reconsider the same by reasoned order within a period of three months. The Government again rejected the request made by the lessee for the reason that it cannot be complied with since the petitioner's factory falls in Town Centre Area which is surrounded by the residential developments and buildings. Again the petitioner challenged by way of the present writ petition and obtained interim stay protecting the possession of the petitioner over the property. While pending the writ petition, the petitioner filed amendment petition to amend the prayer as stated supra in WMP.No.192 of 2014 by order



dated 24.09.2018. After the new Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter called as 'the Act') came into force, the petitioner again filed subsequent writ petition as per Section 24 (2) of the Act.

4. The learned counsel for the petitioner submitted that the award for acquisition of subject land was passed in the year 1986 itself vide award No.10 of 1986. Therefore, by virtue of Section 24 (2) of the Act, the entire land acquisition proceedings in respect of the subject land are deemed to have lapsed. Though the compensation has been made by the authorities into the Government Treasury, it is of no avail and cannot be held to be equivalent to payment of compensation to the land owners. He further submitted that the respondents have not taken possession of the subject land and the formation of the new satellite town Maraimalainagar for which the subject land was sought to be acquired has not been executed even after three decades. By the letter dated 26.07.2005, the request of the lessee of the petitioner was rejected for the reason that the subject land did not fall under the category of 'nanjay and ponds' and it cannot be excluded from acquisition proceedings.

4.1 He further submitted that by the GO.Ms.No.620 dated 26.06.1990, the Government directed the Managing Director, Tamilnadu Housing Board to avoid acquisition of the following lands generally but not as a rule and one such category of land is the land on which the industries have been set up. Admittedly, the petitioner is running an industry and the industry is situated in the subject land. Further reasoned that the factory built in the disputed land falls in the town centre area and it is surrounded by residential developments and school buildings, etc. The exclusion of the land with factory in the midst of the residential / commercial building cannot be treated on par with the exclusion granted to the lakes and ponds. The petitioner never raised the said ground that the land is nanjai land with lakes and ponds. That ground is no way connected to the subject lands. He further submitted that as per Section 31 (1) of the Land Acquisition Act, the Collector shall tender payment of the compensation. Here, the petitioner was never tendered to receive compensation and as such it mandates authorities concerned to tender the land owners in respect of the payment of compensation. The respondent violated the provisions of sub section 1 of Section 31 of the Land Acquisition Act, 1894 and as such the entire acquisition proceedings is vitiated and liable to be set aside.

5. Per contra, the respondent filed counter and submitted that the entire issues raised by the petitioner has now been settled by the Hon'ble Supreme Court of India in the case of



Indore Development Authority Vs. Manoharlal and others etc. reported in (2020) 8 SCC 129. By GO.Ms.No.1939, Rural Development and Local Administration Department dated 22.08.1974 approved a master plan for the formation of Maraimalainagar Satellite Town in Chengalpet Taluk to ease the congestion in Madras city and acquired land to extent of 123.49 acres dry lands in Kattankulathur village. Notification under sub section (1) of Section 4 of Land Acquisition Act was approved in GO.Ms.No.1939 Rural Development and Local Administration Department dated 22.08.1974. Notification was published on 23.10.1974. The subject land belongs to the petitioner was among the lands notified for acquisition. The enquiry notices were duly served and draft declaration under Section 6 of the Land Acquisition Act was approved by the GO.Ms.No.1700, Rural Development and Local Administration Department dated 15.10.1977. The award enquiry notices were duly served.

5.1 In fact, the husband of the petitioner had appeared for enquiry and filed his written representation of the petitioner. In the said representation, she had stated that she is having a factory by name Rajalakshmi Foundry with 2000 square feet building in survey No.336/5C2 and expanded the factory by putting up additional construction measuring 700 sq.ft. and requested to exclude the lands from the acquisition proceedings. After enquiry, compensation amount tendered to the petitioner and it was ordered to be kept in Civil Court Deposit. Since she has objected the acquisition proceedings and refused to accept the compensation amount, it was kept in the Civil Court Deposit under sub section 2 of Section 31 of the Act in LAOP.No.6 of 1987. He further submitted that the acquisition proceedings was started in the year 1974 and the award was passed on 13.11.1986. Only because of the writ petitions filed by the petitioner and her lessee, the entire proceedings were stalled and the compensation amount was deposited to the credit of the LAOP.No.6 of 1987. If there is any delay as contemplated under sub section 1 of Section 31 of the Act, the petitioner is entitled to get interest. Accordingly, in writ appeal No.798 of 1995, this Court ordered to pay interest at the rate of 15% from the year 1979 and 1986. In view of the judgment of the Hon'ble Supreme Court of India, the acquisition proceedings is not liable to be lapsed as per Section 24 (2) of the Act and prayed for dismissal of the writ petitions.

6. Heard, Mr.R.Parthasarathy, the learned counsel for the petitioners, and Mr.Richardson, Wilson, Government Advocate appearing for the respondents.

7. Under the GO.Ms.No.1939, Rural Development and Local Administration Department dated 22.08.1974, issued notification under sub section 1 of Section 4 of the Act for the formation of

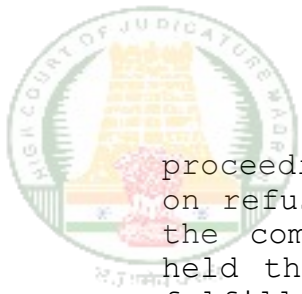


Maraimalainagar Satellite Town in Chengalpet. It was published in the Tamilnadu Gazette dated 23.10.1974. Enquiry notices under Section 5A of the Act was served on the petitioner. After completion of enquiry under Section 5A of the Act, draft declaration under Section 6 of the Act was approved by the GO.Ms.No.1700, Rural Development and Local Administration Department dated 15.10.1977 and the same was published in the Tamilnadu Government Gazette dated 22.10.1977. The notices under Section 9(3) and Section 10 of the Act for enquiry to pass an award were issued to the petitioner and the husband of the petitioner submitted her representation, thereby she requested to exclude the subject land from the acquisition proceedings. It was rejected by the letter dated 26.07.2005 and the same was challenged in the writ petition in WP.No.29265 of 2005. However, the prayer in the said writ petition was amended subsequently as per Section 24 (2) of the Act for declaration declaring that the entire land acquisition proceedings are lapsed.

8. While pending the first writ petition, again in the year 2014, the petitioner filed another writ petition for the very same relief for the very same property on the same grounds. The learned counsel for the petitioner raised ground that as contemplated under sub clause (1) of Section 31 of the Act, the Collector shall tender the compensation to be paid to the land owners. In the case on hand, the Collector failed to tender the compensation amount and as such the entire acquisition proceedings is vitiated. In this regard, the learned Government Advocate relied upon the judgment of the Constitutional Bench of the Hon'ble Supreme Court of India reported in (2020) 8 SCC 129 in the case of Indore Development Authority Vs. Manoharlal and ors etc., wherein it is held that Section 31 (1) enacts that the Collector has to tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay such amount to a person interested in the land, unless he is prevented from doing so, for any of the three contingencies provided by sub-section (2). Section 31 (2) provides for deposit of compensation in Court in case State is prevented from making payment in the event of refusal to receive it.

9. In the case on hand, though the husband of the petitioner participated in the award enquiry, she submitted her representation to exclude the subject land from acquisition and refused to receive the compensation. In fact, after the award notice under sub section (2) of the Section 12 of the Act was duly served on the petitioner and engaged her husband Mr.Neelakantan.

10. Thereafter, the petitioner filed writ petition No.133 of 1987 and obtained interim order of stay of the acquisition



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proceedings in respect of taking possession alone. It shows that on refusal to receive the compensation, the respondent deposited the compensation amount into the civil court. It was further held that where any of the obligations under Section 31 is not fulfilled, i.e., when the amount of compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of 9% per annum from the time of so taking possession until it shall have been so paid or deposited; and after one year from the date on which possession is taken, interest payable shall be at the rate of 15% per annum. Payment has to be tendered under Section 31 unless the Collector is prevented from making payment," as provided under section 31(2). In case of failure under Section 31(1) or 31(3), also Collector is not precluded from making payment, but it carries interest under Section 34 @ 9% for the first year from the date it ought to have been paid or deposited and thereafter @ 15%. Thus, once land has been vested in the State under Section 16, in case of failure to pay the compensation under Section 31(1) to deposit under Section 31(2), compensation has to be paid along with interest, and due to non-compliance of Section 31, there is no lapse of acquisition. The relevant portion of the judgment reported in (2020) 8 SCC 129 in the case of Indore Development Authority Vs. Manoharlal and ors etc., is extracted hereunder:

120. It is apparent from the Act of 1894 that the payment of compensation is dealt with in Part V, whereas acquisition is dealt with in Part II. Payment of compensation is not made pre-condition for taking possession under Section 16 or under Section 31 read with Section 34. Possession can be taken before tendering the amount except in the case of urgency, and deposit (of the amount) has to follow in case the Collector is prevented from making payment in exigencies as provided in Section 31(3). What follows is that in the event of not fulfilling the obligation to pay or to deposit under Section 31(1) and 31(2), the Act of 1894 did not provide for lapse of land acquisition proceedings, and only increased interest follows with payment of compensation.

200. Connected with this issue are questions like what is the consequence of payment not being made under section 31(1) and what are the consequences of amount not deposited under section 31 (2). The provision of section 24(2) when it provides that compensation has not been paid where award has been made 5 years or more prior to the commencement of the Act of 2013. In contradistinction to that, the proviso uses the expression "an award has been made



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and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries". We have to find out when an amount is required to be deposited under the Act of 1894 and how the payment is made under the Act of 1894. The provisions of Section 31 of the Act of 1894 are attracted to the interpretation of provisions of section 24(2) to find out the meaning of the words 'paid' and 'deposited'. Section 31(1) makes it clear that on passing of award compensation has to be tendered to the beneficiaries and Collector shall pay it to them. The payment is provided only in section 31(1). The expression tender and pay to them in section 31(1) cannot include the term 'deposited.'

201. Section 31 (2) of the Act of 1894 deals with deposit in case Collector is prevented from making payment by one or more contingencies mentioned in section 31(2). The deposit follows if the Collector is prevented from making payment. In case Collector is prevented from making payment due to contingencies such refusal to receive the amount, or if there be no person competent to alienate the land, or if there is a dispute as to the title to receive the compensation or as to the apportionment of it, he (i.e. the Collector) may withhold it or in case there is dispute as to apportionment, he may ask the parties to get a decision from the Reference Court i.e., civil court and to clear the title. In such exigencies, the amount of compensation is required to be deposited in the court to which reference would be submitted under section 18. Section 31(2) requires deposit in case of reference under section 18 and not the reference, which may be sought under section 30 or section 28A of the Act of 1894.

202. Section 24(2) deals with the expression where compensation has not been paid. It would mean that it has not been tendered for payment under section 31(1). Though the word 'paid' amounts to a completed event however once payment of compensation has been offered/tendered under section 31(1), the acquiring authority cannot be penalized for non-payment as the amount has remained unpaid due to refusal to accept, by the landowner and Collector is prevented from making the payment. Thus, the word 'paid' used in section 24(2) cannot be said to include within its ken 'deposit' under section 31(2). For that special provision has been carved out in the proviso to section 24(2), which deals with the amount to be deposited in the account of beneficiaries. Two different expressions have been used in section 24.



In the main part of section 24, the word 'paid' and in its proviso 'deposited' have been used.

11. The learned counsel for the petitioner raised the ground with regards to vested rights under Section 24 of the new Act i.e. The Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In this regard, the Hon'ble Supreme Court of India in the said judgment held as follows:

149. This Court is of opinion that Section 24 of the Act of 2013 does not intend to take away vested rights. This is because there is no specific provision taking away or divesting title to the land, which had originally vested with the State, or divesting the title or interest of beneficiaries or third-party transferees of such land which they had lawfully acquired, through sales or transfers. There is a specific provision made for divesting, nor does the Act of 2013 by necessary intendment, imply such a drastic consequence...

152. The Section 24(2) of the Act of 2013 is to be interpreted consistent with the legislative intent, particularly when it has provided for the lapse of the proceedings. It has to be interpreted in the light of provisions made in Sections 24 and 114 of the Act of 2013 and Section 6 of the General Clauses Act, what it protects and to what extent it takes away the rights of the parties. Undoubtedly, Section 24(2) has retroactive operation with respect to the acquisitions initiated under the Act of 1894 and which are not completed by taking possession nor compensation has been paid in spite of lapse of 5 years and proceedings are kept pending due to lethargy of the officials. The drastic consequences follow by the provisions contained in Section 24(2) in such cases.

12. The learned counsel for the petitioner also raised the ground with regards to taking possession in respect of the said land. In this regard, the Hon'ble Supreme Court of India also held in paragraph 258 as follows:

258. Thus, it is apparent that vesting is with possession and the statute has provided under Sections 16 and 17 of the Act of 1894 that once possession is taken, absolute vesting occurred. It is an indefeasible right and vesting is with possession thereafter. The vesting specified under section 16, takes place after various steps, such as, notification under section 4, declaration under section 6, notice under section 9, award under



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section 11 and then possession. The statutory provision of vesting of property absolutely free from all encumbrances has to be accorded full effect. Not only the possession vests in the State but all other encumbrances are also removed forthwith. The title of the landholder ceases and the state becomes the absolute owner and in possession of the property. Thereafter there is no control of the land- owner over the property. He cannot have any animus to take the property and to control it. Even if he has retained the possession or otherwise trespassed upon it after possession has been taken by the State, he is a trespasser and such possession of trespasser enures for his benefit and on behalf of the owner.

13. After passing of award and thereupon the land vest free from all encumbrances in the State Government, the title of the landholder ceases and the state becomes the absolute owner and in possession of the property. when possession is taken after award is passed under section 16 or under section 17 before the passing of the award, land absolutely vests in the State on drawing of Panchnama of taking possession, which is the mode of taking possession. Thereafter, any re-entry in possession or retaining the possession is wholly illegal and trespassers possession inures for the benefit of the owner and even in the case of open land, possession is deemed to be that of the owner. When the land is vacant and is lying open, it is presumed to be that of the owner. Further, the Hon'ble Supreme Court of India in the above judgment held as follows:

289. In the opinion of this court it is not the intendment of the Act of 2013 that those who have litigated should get benefits of higher compensation as contemplated under Section 24 benefit is conferred on all beneficiaries. It is not intended by the provisions that in piecemeal the persons who have litigated and have obtained the interim order should get the benefits of the provisions of the Act of 2013. Those who have accepted the compensation within 5 years and handed over the possession too, are to be benefited, in case amount has not been deposited with respect to majority of holdings. There are cases in which projects have come up in part and as per plan rest of the area is required for planned development with respect to which interim stays have been obtained. It is not the intendment of the law to deliver advantage to relentless litigants. It cannot be said hence, that it was due to the inaction of the authorities that possession could



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not be taken within 5 years. Public policy is not to foment or foster litigation but put an end to it. In several instances, in various Courts writ petitions were dismissed by single judge Benches and the writ appeals were pending for a long time and in which, with respect to part of land of the projects, efforts were made to obtain the benefit of Section 24(2). Parliament in our view did not intend to confer benefits to such litigants for the aforementioned reasons. Litigation may be frivolous or may be worthy. Such litigants have to stand on the strength of their own case and in such a case provisions of Section 114 of the Act of 2013 and Section 6 of the General Clauses Act, 1897, are clearly attracted and such proceedings have to be continued under the provisions of the old Act that would be in the spirit of Section 24(1)(b) itself of the Act of 2013. Section 6(b) of the General Clauses Act, 1897, provides that repeal will not affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder. Section 6(c) states that repeal would not affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed. When there is a provision itself in Section 24(1)(b) of continuance of the proceedings where award has been passed under the Act of 1894, for the purposes of Section 24 as provided in Section 24(b), the provisions of Section 114 is clearly attracted so as the provisions of Section 6 of the General Clauses Act, 1897, to the extent of non obstante clause of Section 24, where possession has not been taken nor payment has been made, there is a lapse, that too by the inaction of the Authorities. Any courts interim order cannot be said to be inaction of the authorities or agencies; thus, time period is not to be included for counting the 5 years period as envisaged in Section 24(2). As per proviso to Section 24(2), where possession has been taken, but compensation has not been paid or deposited with respect to majority of land holdings, all the beneficiaries would be entitled for higher compensation only to that extent, the provisions of Section 114 of the Act of 2013, would be superseded but it would not obliterate the general application of Section 6 of the General Clauses Act, 1897, which deals with effect of repeal except as provided in section 24(2) and its proviso.

Accordingly, any courts interim order cannot be said to be



inaction of the authorities or agencies; thus, time period is not to be included for counting the 5 years period as envisaged in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

14. In the case on hand, admittedly from the year 1987 onwards the petitioner and his lessee repeatedly filed writ petitions and writ appeals including the present writ petitions and interim orders were granted. These time cannot be included for counting the period of five years as envisaged under Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Hon'ble Supreme Court of India in the above judgment also held as follows:

338.A wrong-doer or in the present context, a litigant who takes his chances, cannot be permitted to gain by delaying tactics. It is the duty of the judicial system to discourage undue enrichment or drawing of undue advantage, by using the court as a tool. In *Kalabharati Advertising v. Hemant Vimalnath Narichania* 226, it was observed that 225 *Indian Council for Enviro-Legal Action v. Union of India*, (2011) 8 SCC 161, *Grindlays Bank Ltd. v. CIT*, (1980) 2 SCC 191, *Ram Krishna Verma v. the State of U.P.*, (1992) 2 SCC 620. Also *Marshall Sons & Co. (I) Ltd. v. Sahi Oretrans (P) Ltd. and Anr.*, (1999) 2 SCC 325. 226 (2010) 9 SCC 437 courts should be careful in neutralizing the effect of consequential orders passed pursuant to interim orders. Such directions are necessary to check the rising trend among the litigants to secure reliefs as an interim measure and avoid adjudication of the case on merits. Thus, the restitutionary principle recognizes and gives shape to the idea that advantages secured by a litigant, on account of orders of court, at his behest, should not be perpetuated; this would encourage the prolific or serial litigant, to approach courts time and again and defeat rights of others- including undermining of public purposes underlying acquisition proceedings. A different approach would mean that, for instance, where two landowners (sought to be displaced from their lands by the same notification) are awarded compensation, of whom one allows the issue to attain finality- and moves on, the other obdurately seeks to stall the public purpose underlying the acquisition, by filing one or series of litigation, during the pendency of which interim orders might inure and bind the



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parties, the latter would profit and be rewarded, with the deemed lapse condition under Section 24 (2). Such a consequence, in the opinion of this Court, was never intended by Parliament; furthermore, the restitutionary principle requires that the advantage gained by the litigant should be suitably offset, in favour of the other party.

15. The present case is a classic case that the petitioner takes her chances, cannot be permitted to gain by delaying tactics. and the above observations made by the Hon'ble Supreme Court of India are squarely applicable to the case on hand.

16. In view of the above discussion, the proceedings under challenge in these writ petitions are not vitiated under Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the writ petitions are liable to be dismissed.

17. Accordingly, both the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

Secretary to Government,
State of Tamilnadu,
Housing and Urban Development
Department, Madras-9

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.48050

+1cc to the Government Pleader, S.R.No.48215,48214

WP.Nos.29265 of 2005 & 26819 of 2014

SR II (CO)
PM/07/10/2021