



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2160 of 2015

1. Gowramma
2. Byrappa
3. Sujatha
4. Manohar

... Petitioners

-Vs-

1. The Government of Tamil Nadu,
Rep by its Secretary to Government
Housing and Urban Development Department,
Fort St. George, Chennai.
2. The Tamil Nadu Housing Board,
Rep by its Chairman and
Managing Director,
Nandanam, Mount Road,
Chennai - 600 035.
3. The District Collector,
Krishnagiri District.
4. The Special Tahsildar,
Land Acquisition,
Housing Scheme,
Hosur - 635 109.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring that the land acquisition proceedings initiated pursuant to the Section 4(1) notification dated 30.04.1991 in respect of the lands situated in Survey No.439/6 to an extent of 0.19.5 hectares in Chennathur Village, Hosur Taluk, Krishnagiri District belonging to the petitioners, as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

For petitioners : Mr.V.Raghavachari



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For Respondents

For R1, R3 & R4 : Mr. Richardson Wilson
Government Advocate.

For R2 : Ms. R. Gowri

ORDER

The Writ Petition has been filed to declare that the land acquisition proceedings initiated pursuant to the Section 4 (1) notification dated 30.04.1991 in respect of the lands situated in Survey No.439/6 to an extent of 0.19.5 hectares in Chennathur Village, Hosur Taluk, Krishnagiri District belonging to the petitioners, as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (herein after called as " the New Act").

2. Heard Mr.V.Raghavachari, learned counsel appearing for the petitioners, Mr. Richardson Wilson, learned Government Advocate appearing for the respondents 1 3 & 4 and Ms. Gowri, learned counsel appearing for the second respondent.

3. The grounds raised by the petitioners in this Writ Petition have already been settled by the Hon'ble Supreme Court of India in the judgment reported in (2020) 8 SCC 129 in the case of Indore Development Authority Vs. Manoharlal and ors etc., which held as follows :-

"366. In view of the aforesaid discussion, we answer the questions as under:

1. Under the provisions of Section 24(1) (a) in case the award is not made as on 1.1.2014 the date of commencement of Act of 2013, there is no lapse of proceedings. Compensation has to be determined under the provisions of Act of 2013.

2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1) (b) of the Act of 2013 under the Act of 1894 as if it



compensation has not been paid/tendered/deposited in accordance with law. In view of the dictum laid down by the Hon'ble Supreme Court of India, the issues raised by the petitioners were settled and therefore, the acquisition proceedings have not been lapsed by operation of law under Section 24 (2) of the New Act i.e., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In view of the settled position of law, the writ petition is devoid of merits and liable to be dismissed.

5. However, the learned counsel appearing for the petitioners submitted that the petitioners were not paid any compensation for the land acquired. Considering the said submission, the respondents are directed to disburse the compensation amount in accordance with law, forthwith, if not already disbursed.

6. In the result, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary to Government,
The Government of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Chennai.
2. The Chairman and Managing Director
The Tamil Nadu Housing Board,
Nandanam, Mount Road,
Chennai - 600 035.
3. The District Collector,
Krishnagiri District.



4. The Special Tahsildar,
Land Acquisition,
Housing Scheme,
Hosur - 635 109.

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+1cc to Mr.V.Raghavachari, Advocate, S.R.No.41685

+1cc to the Government Pleader, S.R.No.41756

W.P.No.2160 of 2015

PL (CO)
SU (22/09/2021)