



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.07.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.5632 of 2021

V.K.Shanmugasundaram

... Petitioner

-Versus-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Special Tahsildar (LA),
Housing Scheme No.3,
TATABAD, Sivanandha Colony,
Coimbatore 641 012.
3. The Executive Engineer & Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board,
TATABAD, Sivanandha Colony,
Coimbatore 641 012.
4. The Superintending Engineer,
Tamil Nadu Housing Board,
Salem Region,
Coimbatore 641 002.
5. The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that the entire land acquisition proceedings relating to proceedings covered in respect of land belonging to the Petitioner comprised in Survey No 525/1A and 525/3 admeasuring to an extent of 1.56 1/2 acres, situated at Vellakinaru Village, Coimbatore North Taluk, Coimbatore District, become lapsed by virtue of operation of provisions contained in Section 24(2) of The Right



to Fair Compensation and Transparency in Land Acquisition
Rehabilitation and Resettlement Act (Act XXX of 2013).

WEB COPY

For Petitioner : Mr.C.Veeraraghavan

For Respondent(s) : Mr.K.M.D.Muhilan,
Government Advocate
for RR1, 2 & 5

Dr.R.Gouri for RR3 and 4

ORDER

[This matter has been heard through video conference]

This writ petition has been filed seeking declaration declaring that the land acquisition proceedings in respect of land belonging to the petitioner comprised in Survey No 525/1A and 525/3 ad measuring to an extent of 1.56 1/2 acres, situated at Vellakinaru Village, Coimbatore North Taluk, Coimbatore District, aslapsed by virtue of operation of provisions contained in Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

2. The case of the petitioner is that he has become the absolute owner of the above said law by virtue of a Will dated 27.03.2003 executed by his father. The above said lands were acquired by the State, however, no award has been passed so far. After the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 came into force, for non passing of award, the acquisition proceedings would stand lapsed by operation of law. Hence, the present writ petition.

3. Today, when the matter has been taken up for hearing, the learned standing counsel for the respondents 3 and 4, based on a communication addressed to the District Revenue Officer (Projects), Tamil Nadu Housing Board, Koyambedu, Chennai by the Executing Engineer, Coimbatore Housing Division, Coimbatore, submitted that the respondents 3 and 4 have only proposed to acquire the lands in question and include the same in the proposed schedule [நில எடுப்பு திட்ட அட்டவணையில் / LPS]" and so far no acquisition proceedings have been initiated in respect of the land situated in the above said survey numbers. A copy of the communication has also been produced for the perusal of this court.



4. Considering the fact that as of now the lands of the petitioners were not acquired and there is only a proposal pending for acquisition, the prayer sought for in the writ petition is not maintainable. This writ petition is dismissed accordingly recording the submission made by the learned standing counsel for the Tamil Nadu Housing Board. No costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

kmk

To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George, Chennai 600 009.
2. The Special Tahsildar (LA),
Housing Scheme No.3, TATABAD,
Sivanandha Colony,
Coimbatore 641 012.
3. The Executive Engineer & Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board, TATABAD,
Sivanandha Colony, Coimbatore 641 012.
4. The Superintending Engineer,
Tamil Nadu Housing Board, Salem Region,
Coimbatore 641 002.
5. The Tahsildar,
Coimbatore North Taluk, Coimbatore.

+1cc to Mr.C.Veeraraghavan, Advocate, S.R.No.33729

Writ Petition No.5632 of 2021

JPL (CO)
SU (26/08/2021)