



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos. 28368 & 28369 of 2015
and M.P.Nos.1 & 1 of 2015

P.Gnanasekar	...	Petitioner in W.P.No.28368 of 2015
G.Saroja	...	Petitioner in W.P.No.28369 of 2015

Vs.

1.The Secretary to Government,
Transport Department,
Fort St.George,
Chennai - 600 009.

2.The Chairman,
Madras Port Trust,
Chennai - 600 001.

3.The Chairman,
Ennore Port Trust,
Chennai.

4.The Land Acquisition Officer/
Revenue Divisional Officer,
Ponneri,
Tiruvallur District

... Respondents in both W.Ps

Prayer in W.P.No.28368 of 2015 : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of declaration declaring that the entire land acquisition proceedings initiated under the Land Acquisition Act, 1894, in respect of the lands belonging to the petitioner comprised in S.No.746/2 to an extent of acres 0.36 cents situated at No.144, Vallur Village, Ponneri Taluk, Tiruvallur District as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



Prayer in W.P.No.28369 of 2015 : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of declaration declaring that the entire land acquisition proceedings initiated under the Land Acquisition Act, 1894, in respect of the lands belonging to the petitioner comprised in S.No.717/2 to an extent of acres 0.92 cents situated at No.144, Vallur Village, Ponneri Taluk, Tiruvallur District 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 Petitioner in both W.Ps : Mr.G.Ilamurugu

For R1 & R4 in both W.Ps : Mr.Richardson Wilson,
Government Advocate

For R2 in both W.Ps : Mr.R.Karthikeyan

For R3 in both W.Ps : Mr.Krishna Ravichandran
Standing Counsel

COMMON ORDER

These writ petitions have been filed to issue a writ of declaration, declaring that the land acquisition proceedings in respect of the petitioners' properties as lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 i.e., Act 30 of 2013 (herein after called as "the New Act").

2. Heard, Mr.G.Ilamurugu, the learned counsel for the petitioners, Mr.Richardson Wilson, the learned Government Advocate appearing for the respondents 1 & 4, Mr.R.Karthikeyan, the learned counsel for the second respondent and Mr.Krishna Ravichandran, the learned Standing Counsel appearing for the fourth respondent.

3. The grounds raised by the petitioners in both writ petitions have already 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, wherein it is held as follows:

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



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 has not been repealed.

4. The expression 'paid' in the main part of Section 24(2) of the Act of 2013 does not include a deposit of compensation in court. The consequence of non-deposit is provided in proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance with the provisions of the Act of 2013. In case the obligation under Section 31 of the Land Acquisition Act of 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the Act of 2013 has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the Act of 1894.



9. Section 24(2) of the Act of 2013 does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2015. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in



the treasury instead of court to invalidate acquisition.

4. The Hon'ble Supreme Court of India settled all proposition of law in the above judgment including the grounds raised by the petitioners. That apart, the subject land was acquired for the purpose of construction of staff quarters for Madras Port Trust from small farmers. The acquisition proceedings have been completed and the subject land was taken over by the government and the possession was handed over to the requisition body. Further the requisition body also deposited the compensation as awarded by the Land Acquisition Officer. Therefore, the petitioners failed to satisfy the twin requirements under Section 24 (2) of the New Act i.e., the physical possession of the land was not taken and the 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, these writ petitions are devoid of merits and liable to be dismissed.

5. In the result, these Writ Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The Secretary to Government,
Transport Department,
Fort St.George,
Chennai - 600 009.



2.The Chairman,
Madras Port Trust,
Chennai - 600 001.

3.The Chairman,
Ennore Port Trust,
Chennai.

4.The Land Acquisition Officer/
Revenue Divisional Officer,
Ponneri,
Tiruvallur District

+2CCs to Mr.S.Makesh, Advocate, Sr.No.43193
+1CC to Mr.Krishna Ravindran, Advocate, Sr.No.42901
+1CC to Government Pleader, Sr.No.43092

W.P.Nos. 28368 & 28369 of 2015
and M.P.Nos.1 & 1 of 2015

KSM (CO)
K.RK. (24.09.2021)