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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM

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

W.P.No.3034 of 2016
and W.M.P.No.2494 of 2016

1.Narayana Reddy
2.Pappa Reddy
3.Saroja Ammal

... Petitioners

Vs

1.The State of Tamil Nadu rep.
by its Principal Secretary to Government
Fort St. George, Chennai.

2.The Chairman cum Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam, Chennai 600 035.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Bagalur Road, Hosur,
Krishnagiri District.

4.The Special Tahsildar,
Tamil Nadu Housing Board,
Bagalur Road, Hosur,
Krishnagiri District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands to an extent of 0.42.0 Hectares comprised in S.F.No.765/2 and 1/2 share in 0.77.5 Hectares in S.F.No.759/5 situated at Nallur Village, Hosur Taluk, Krishnagiri District, covered by Notification issued under Section 4(1) of Land Acquisition Act, 1894 dated 14.06.2001 and Declaration under Section 6 of Land Acquisition Act, 1894, dated 13.02.2002 deemed to have lapsed in view of Section 24(2) of Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act 2013.



For Petitioners : Mr.V.Ayyapparaja

For Respondents : Mr.M.R.Gokul Krishnan,
1 & 4 Government Advocate

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For Respondents : Dr.R.Gouri,
2 & 3 Standing counsel

O R D E R

This Writ Petition is filed to issue a writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands to an extent of 0.42.0 Hectares comprised in S.F.No.765/2 and 1/2 share in 0.77.5 Hectares in S.F.No.759/5 situated at Nallur Village, Hosur Taluk, Krishnagiri District, covered by Notification issued under Section 4(1) of Land Acquisition Act, 1894 dated 14.06.2001 and Declaration under Section 6 of Land Acquisition Act, 1894, dated 13.02.2002 deemed to have lapsed in view of Section 24(2) of Right to Settlement Act, 2013.

2. The petitioners raised the grounds are as follows:

The possession of the acquired land has not been taken even till today. As per the Award dated 16.02.2004 no compensation amount has been deposited.

3. The third respondent filed counter along with Typed Set of papers. It revealed that in respect of the subject property the Award has been passed on 16.02.2004 and the award amount is a sum of Rs.10,46,194/- (Rupees Ten Lakhs Forty Six Thousand One Hundred and Ninety Four only) was deposited to the Land Acquisition Officer by two cheques dated 27.02.2004 before the Subordinate Court, Hosur. Insofar as the possession is concerned the possession of the property was already taken and handed over to the third respondent on 20.06.2004. The possession certificate dated 20.06.2004 revealed that the subject property was already taken possession and handed over to the third respondent.

4. In this regard, it is also relevant to the Hon'ble Supreme Court of India reported in (2020)8 Supreme Court Cases 129 Indore Development Authority -vs- Manoharlal and Others, the relevant portions are extracted below:

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



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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.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the Act of 1894, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or 318 non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). Land owners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the Act of 2013.

366.6. The proviso to Section 24(2) of the Act of 2013 is to be treated as part of Section 24(2) not part of Section 24(1)(b).

366.7. The mode of taking possession under the Act of 1894 and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).

366.8. 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 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

366.9. 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 319 acquisition. Section 24 applies to a proceeding pending on the date of



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enforcement of the Act of 2013, i.e., 1.1.2014. 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."

5. In view of the above, all the grounds raised by the petitioner have already been settled by the Hon'ble Supreme Court of India. That apart, the acquisition proceedings had attained finality 16 years before. Therefore, this Court has nothing to interfere in the acquisition proceedings. Therefore, this writ petition is dismissed as devoid of merits.

6. Accordingly, this writ petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petitions is dismissed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government
Fort St. George, Chennai.

2.The Chairman cum Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam, Chennai 600 035.

3.The Executive Engineer,
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4.The Special Tahsildar,
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+1cc to the Government Pleader, S.R.No.42290

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SS(CO)
CB(17/09/2021)