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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.08.2021

Pronounced on : 23.09.2021

CORAM

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

WP.Nos.20219 to 20225, 32019, 22990 to 22996 of 2014 and
10287 of 2015, 32018 & 29110 of 2014 and
MP.No.1 of 2014 and WMP.Nos.18352, 18362 & 18761 of 2021
and WMP.No.20257 of 2021

1	S.MURTHY	... PETITIONER in WP No.20219 of 2014
1	RAJAKUMAR	... PETITIONER in WP No.20220 of 2014
1	R.PADMANABHAN	... PETITIONER in WP No.20221 of 2014
1	B.NANDAKUMAR	... PETITIONER in WP No.20222 of 2014
1	E.CHELLAPPAN	... PETITIONER in WP No.20223 of 2014
1	S.RAMACHANDRAN	
2	S.SARAVANAN	... PETITIONERS in WP No.20224 of 2014
1	R.GNANAMOORTHY	... PETITIONER in WP No.20225 of 2014
1	K.BASKARAN	
2	K.MAHADEVAN	
3	K.APPADURAI	... PETITIONERS in WP No.32019 of 2014
1	N.KALYANI	... PETITIONER in WP No.22990 of 2014
1	V.ALAGESAN	... PETITIONER in WP No.22991 of 2014
1	D.VIJAYAKUMAR	... PETITIONER in WP No.22992 of 2014
1	M.VICTORIA	... PETITIONER in WP No.22993 of 2014
1	JEGADEESAN	... PETITIONER in WP No.22994 of 2014
1	K.MAHESHBABU	... PETITIONER in WP No.22995 of 2014
1	PADMAVATHY	... PETITIONER in WP No.22996 of 2014
1	S.PADMAVATHI	
2	VIMALADEVI	
3	LEELA KOTHARI	
4	RADHA	... PETITIONERS in WP No.10287 of 2015



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1 SHANTI

2 KAMALA KANNAN

3 PRIYA

1 KAVITHA

... PETITIONERS in WP No.32018 of 2014

... PETITIONER in WP No.29110 of 2014

Vs.

1.State of Tamilnadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai-9

2.The Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai-9

3.The Executive Engineer,
and Administrative Officer,
Besant Nagar Division,
Tamilnadu Housing Board Unit,
No.48, Dr.Muthulakshmi Road,
Adyar 600 020

4.The Special Thasildar,
Land Acquisition, Unit - V,
Tamilnadu Housing Board Schemes,
Aringar Anna Shopping Complex,
7th Avenue, Thirumangalam,
Chennai 600 101

..Respondents in all WPs

WP No.20219 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 2431 square feet comprised in S.No.416/4, belonging to the petitioner, situated at Sholinganallor Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(Act 30/2013).



WP No.20220 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 2182 square feet comprised in S.No.617/4, situated at Sholinganallor Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(Act 30/2013)

WP No.20221 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 1302 square feet comprised in S.No.416/23, belonging to the petitioner, situated at Sholinganallor Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(Act 30/2013)

WP No.20222 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 5 cents comprised in S.No.416/18 and 416/22, belonging to the petitioner, situated at Sholinganallor Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(Act 30/2013)

WP No.20223 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 2580 square feet comprised in S.No.416/18 and 416/22, belonging to the petitioner, situated at Sholinganallor Village, Kancheepuram District, as lapsed in view of the Section 24(2) of



the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

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WP No.20224 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration, declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 2485 square feet comprised in S.No.613/4, 613/5A and 613/5B, belonging to the petitioner, situated at Sholinganallor Village, Kancheepuram District, as lapsed in view of the Section 24 (2) of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

WP No.20225 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 1920 square feet comprised in S.No.613/2A, belonging to the petitioner, situated at Sholinganallor Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

WP No.32019 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894 with respect to the lands of an extent of 0.13.0 hectares, comprised in S.No.676/2A, situated at Sholinganalloor Village, Kancheepuram District belonging to the petitioners, as lapsed in view of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 (Act 30/2013)



WP No.22990 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 1317.5 sq.ft. comprised in S.Nos. 416/1A and 416/3, belonging to the petitioner situated at Sholinganallur Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

WP No.22991 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 2030 sq.ft. comprised in S.No.416/5A, belonging to the petitioner situated at Sholinganallur Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

WP No.22992 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 1719 square feet comprised in S.No.613/3, belonging to the petitioner situated at Sholinganallur Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

WP No.22993 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 1904 sq.ft. comprised in S.No.617/1A1, belonging to the petitioner situated at Sholinganallur Village, Kancheepuram



District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

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WP No.22994 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 1454 sq.ft. comprised in S.No.642/2, belonging to the petitioner situated at Sholinganallur Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

WP No.22995 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 1395 sq.ft. comprised in S.No.613/3, belonging to the petitioner situated at Sholinganallur Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

WP No.22996 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 1200 sq.ft. comprised in S.No.642/2, belonging to the petitioner situated at Sholinganallur Village, Kancheepuram District, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

WP No.10287 of 2015

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring



that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 30 cents comprised in S.No.416/24 Old S.No.416/2B, situated at Sholinganallur Village, Kancheepuram District, belonging to the petitioners, as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013)

WP No.32018 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894 with respect to the lands of an extent of 2640 square feet comprised in S.No.618, belonging to the petitioners situated at Sholinganallur Village, Kancheepuram District as lapsed in view of Section 24 Clause 2 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 (Act 30/2013)

WP No.29110 of 2014

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration Declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with respect to the lands of an extent of 4804 square feet comprised in S.No.293/2, belonging to the petitioner situated at Sholinganallur Village, Kancheepuram District, as lapsed in view of the Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

For Petitioners

in all WP's

: Mr.R.N.Amarnath

For Respondents

in all WP's

For R1 & 4

: Mr.Richardson Wilson,
Government Advocate

For R2 & 3

: Mr.M.Baskar, Standing Counsel

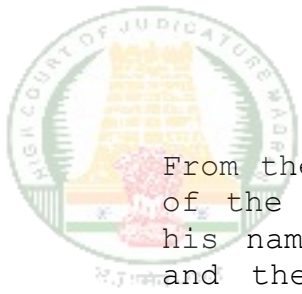


COMMON ORDER

All the writ petitions have been filed to issue a writ of declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, with regard to the respective lands as lapsed in view of the Section 24(2) of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

2. The petitioners in WP.Nos.22990 & 22992 of 2014 purchased the subject property after the award was passed under the acquisition proceedings and they are subsequent purchasers. All other petitioners are the original owners of their respective subject properties. The Tamilnadu Housing Board has acquired the land in Sholinganallur village including the subject property for the formation of Sholinganallur Phase-I scheme. The notification under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter called as 'the old act') was approved by the first respondent in G.O.Ms.No.433, Housing and Urban Development dated 14.05.1990. The draft declaration under Section 6 of the Land Acquisition Act was approved by the first respondent in GO.Ms.No.948 dated 07.06.1991. In pursuant to the acquisition, the award was passed in award No.1 of 1997 on 23.04.1997. The petitioners challenged the acquisition proceedings on the ground that the entire acquisition proceedings have lapsed under Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) (hereinafter called as 'new act') for the reason that the petitioners are in continuous possession and enjoyment of their respective properties. While pending the writ petitions, the petitioners in WP.Nos.22992, 22994 and 22996 filed petition seeking permission to file additional affidavit in support of the main affidavit filed in the writ petitions and raised additional grounds.

3. The learned counsel for the petitioners submitted that except the petitioners in WP.Nos.22990 of 2014 and 22992 of 2014, all the petitioners are the original owners of the respective properties. As far as the petitioner in WP.No.22992 of 2014, he purchased the subject property to an extent of 1719 sq.ft in survey No.613/3 sub-divided as survey No.613/3A2 situated at Sholinganallur Village by the registered sale deed dated 08.12.2004 from one, Mr.Kuppusamy registered vide document No.6814 of 2004. The said Kuppusamy purchased the subject property from the original owner Kathirvel Murugan and others.



From the date of his purchase, he is in possession and enjoyment of the said property. The revenue records were also mutated in his name including the patta. Thereafter, he constructed house and the said house was assessed to the property tax by the Sholingallur Town Panchayat and the petitioner is paying house tax regularly without fail. After merger with the Chennai Corporation, the petitioner has been paying the property tax to the Corporation of Chennai. He was not aware of the acquisition proceedings. Thereafter he came to understand that the property admeasuring 125.28 acres of wet land and 177.43 acres of dry land totally admeasuring 304.71 acres was notified under the land acquisition for construction of house under the Sholingallur Neighbourhood Housing Scheme. For administrative convenience, the said lands were divided into three phases i.e. phase I, phase II and phase III. Accordingly, notification under Section 4(1) of the Land Acquisition Act was issued for all three phases on 23.05.1990, 06.06.1990 and 31.06.1990. Thereafter, Section 6 notice was issued and award has been passed in award No.1 of 1997 on 23.04.1997. Insofar as the petitioner is concerned, he purchased the subject property comes under phase II. Though award came to be passed, the respondents failed to pay compensation amount to the petitioner. It was neither tendered to the petitioner nor deposited before any competent civil court. Thereafter, the petitioner came to understand that the award amount has been kept in Sub Treasury at Saidapet. The possession of the subject property is also not taken from the petitioner and the petitioner is continuing his possession and enjoyment of the subject property. The Government of India have brought the new Act 30 of 2013, which came into force from 01.01.2014. Therefore, the petitioner is challenging the acquisition proceedings as per Section 24(2) of the new Act, since the entire land acquisition proceedings initiated under the old Act shall be deemed to have been lapsed on two grounds, i.e. the physical possession of the subject land is not taken from the petitioner and after passing the award, compensation is not paid to the petitioner and not deposited in any civil court. He further submitted that some of the land owners already filed writ petition challenging the acquisition proceedings under the old Act and all the writ petitions were allowed. Unfortunately, these writ petitions were not taken up for hearing. In fact, the entire land acquisition proceedings were quashed by this Court and confirmed by the Hon'ble Division Bench of this Court in the writ appeal. The rights of the petitioners under Articles 14 and 300A of the Constitution of India were arbitrarily infringed by the respondents.



4. Per contra, the learned counsel for the respondents filed counter and submitted that notification under Section 4 (1) of the Land Acquisition Act was approved by the Government in GO.Ms.No.433 Housing and Urban Development dated 14.05.1990. After declaration notice issued under Section 6 of the Act, award was passed in Award No.1 of 1997 dated 23.04.1997. Since the land in respect of WP.No.22992 of 2014 stood in the name of K.Sulochana, award of compensation amount was ordered to be paid to the land owners on production of original documents. Therefore, the petitioner in WP.No.22992 of 2014 is the subsequent purchaser and the writ petition itself is not maintainable. After passing award, possession of the land vest with the Government and thereafter subsequent purchaser i.e. the petitioner encroached the Government property. Award was passed on 23.04.1997 and after the new Act came into force, the present writ petition have been filed under Section 24 (2) of the new Act. Therefore, the writ petition itself is devoid of merits and liable to be dismissed. Insofar as the other petitioners are concerned, after the award, possession of the entire land was handed over to the Tamilnadu Housing Board on 16.08.2004. Since then, the possession of the land vest with the Government. As far as the subsequent purchasers are concerned, the award amount was ordered to be paid to the land owners on production of original documents. The award amount also deposited in the revenue deposit. Therefore, prayed for dismissal of the writ petitions.

5. Heard, Mr.R.N.Amarnath, the learned counsel for the petitioners, Mr.Richardson Wilson, Government Advocate appearing for the respondents 1 & 4, and Mr.M.Baskar, Standing Counsel appearing for the respondents 2 & 3.

6. Some of the petitioners are the subsequent purchasers of the respective lands and some of the petitioners are the original owners and are challenging the acquisition proceedings on the ground that the possession of their respective lands is not yet taken and the compensation amount is not yet paid to the petitioners. Therefore, the acquisition proceedings have been lapsed as per Section 24(2) of the new Act. On perusal of records of the Besant Nagar Division, Tamilnadu Housing Board, the details regarding possession taken and payment of compensation are given, which are shown hereunder:



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Tamil Nadu Housing Board

Basant Nagar Division

Advance List (23.08.2021)

Item No.	Sl.No.	W.P.No.	Petitioner	Village & Scheme	S.No.	Extent in W.P.	4(1) Notification	DD 6	Award No. & Date	Taken over on	W.P. filed by	vide Doc.No.
4	1	22990/2014	N.Kalyani	Sholinganallur & Sholinganallur Neighbourhood Scheme Phase I	416/1A,3	1317.5 sq.ft.	G.O.Ms.No. 433, HUDD, 14.05.1990	G.O.Ms.No.9 48, HUDD, 07.06.1991	1/97, 23.04.1997	16.08.2004	Subsequent Purchaser	7327/2006, 20.12.2006
	2	22991/2014	V.Alagesan		416/5A	2030 sq.ft.				16.08.2004	Petitioner is no way connected with land	-
	3	22992/2014	D.Vijayakumar		613/3A2	1719 sq.ft.				-	Subsequent Purchaser	6814/2004, 08.12.2004
	4	22993/2014	M.Victoria		617/1A1	1904 sq.ft.				16.08.2004	Petitioner is no way connected with land	-
	5	22995/2014	K.Maheshbabu	Sholinganallur & Sholinganallur Neighbourhood Scheme Phase II	613/3	1395 sq.ft.	G.O.Ms.No. 454, HUDD, 23.05.1990	G.O.Ms.No.9 96, HUDD, 17.06.1991	2/93, 18.06.1993	-	Subsequent Purchaser	2348/2007, 17.04.2007
	6	22994/2014	Jagadeesan		642/2	1454 sq.ft.				18.04.1994	Subsequent Purchaser	4591/1995, 11.09.1995
	7	22996/2014	Padmavathy		642/2	1200 sq.ft.				18.04.1994	Subsequent Purchaser	4423/1995, 01.09.1995



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Tamil Nadu Housing Board												
Besant Nagar Division												
Advance List (23.08.2021)												
Item No.	Sl.No.	W.P.No.	Petitioner	Village & Scheme	S.No.	Extent in W.P.	4(i) Notification	DD 6	Award No. & Date	Taken over on	W.P. filed by	vide Doc.No.
1	1	20219/2014	S.Murthy	Sholinganallur & Sholinganallur Neighbourhood Scheme Phase I	416/4	2431 sq.ft.	G.O.Ms.No. 433, HUDD, 14.05.1990	G.O.Ms.No.9 48, HUDD, 07.06.1991	1/97, 23.04.1997	16.08.2004	Alleged purchaser	341/1986, 10.02.1986
	2	20220/2014	K.Rajakumar		617/4	2182 sq.ft.				-	Subsequent Purchaser	2010/1996, 07.08.1996
	3	21221/2014	R.Padmanabhan		416/23 Pt.	1302 sq.ft.				-	Subsequent Purchaser	2351/2005, 20.04.2005
	4	21222/2014	B.Nandakumar		416/18,22	0.05 ac				-	Subsequent Purchaser	737/1995, 20.02.1995
	5	21223/2014	E.Chellappan		416/18,22	2580 sq.ft.				-	Subsequent Purchaser	6129/1995, 08.12.1995
	6	21224/2014	S.Ramachandran		613/4, 5A, 5B	2485 sq.ft.				16.08.2004	Alleged Partition deed	784/2001, 28.03.2001
	7	21225/2014	R.Gnanamoorthy		613/2A	1920 sq.ft.				16.08.2004	Subsequent Purchaser	174/2004, 21.01.2004



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Tamil Nadu Housing Board												
Besant Nagar Division												
Advance List (23.08.2021)												
Item No.	Sl.No.	W.P.No.	Petitioner	Village & Scheme	S.No.	Extent in W.P.	4(1) Notification	DD 6	Award No. & Date	Taken over on	W.P. filed by	vide Doc.No.
12	-	29110/2014	Kavitha	Sholinganallur & Sholinganallur Neighbourhood Scheme Phase II	293/2	4804 sq.ft.	G.O.Ms.No. 454, HUDD, 23.05.1990	G.O.Ms.No.9 96, HUDD, 17.06.1991	2/93, 18.06.1993	18.04.1994	Subsequent Purchaser	4379 & 4380/2006, 21.07.2006



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Tamil Nadu Housing Board												
Besant Nagar Division												
Advance List (23.08.2021)												
Item No.	Sl.No.	W.P.No.	Petitioner	Village & Scheme	S.No.	Extent in W.P.	4(1) Notification	DD G/	Award No. & Date	Taken over on	W.P. filed by	vide Doc.No.
20		32018/2014	Shanthy and 2 others	Sholinganallur & Sholinganallur Neighbourhood Scheme Phase I	618	2640 sq.ft.	G.O.Ms.No. 433, HUDD, 14.05.1990	G.O.Ms.No.9 48, HUDD, 07.06.1991	1/97, 23.04.1997	16.08.2004	Petitioner is no way connected with land	

7. It is also evident from the records produced by the respondents with regards to transfer of charge certificate, thereby handed over the possession to the Housing Board. Accordingly, the lands acquired from the petitioners were handed over to the third respondent by the fourth respondent. The respondents also produced records to show that the compensation amount was deposited under the revenue deposit. The respondents



also produced the form of reference to the Court under Sections 30 and 31 sub-clause (2) of the Land Acquisition Act. Therefore, the compensation was duly deposited and the possession also had been handed over to the third respondent.

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8. The grounds raised by the petitioners in these Writ Petitions 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 has not been repealed.

3. The word or used in Section 24(2) between possession and compensation has to be read as nor or as and. The deemed lapse of land acquisition proceedings under Section 24(2) of the Act of 2013 takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

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



22. 'Void is, ab initio,' a nullity, is inoperative, and a person cannot claim the land or declaration once no title has been conferred upon him to claim that the land should be given back to him. A person cannot enforce and ripe fruits based on a void transaction to start claiming title and possession of the land by seeking a declaration Under Section 24 of the Act of 2013; it will amount to conferment of benefit never contemplated by the law. The question is, who can claim declaration/rights Under Section 24(2) for the restoration of land or lapse of acquisition. It cannot be by a person with no title in the land. The provision of the Act of 2013 cannot be said to be enabling or authorizing a purchaser after Section 4 to question proceeding taken under the Act of 1894 of taking possession as held in U.P. Jal Nigam (supra) which is followed in M. Venkatesh (supra) and other decisions and consequently claim declaration Under Section 24 of the Act of 2013. What cannot be done directly cannot be permitted in an indirect method.

23. The provisions of the Act of 2013 aimed at the acquisition of land with least disturbance to the landowners and other affected families and to provide just and fair compensation to affected families whose land has been acquired or proposed to be acquired or are affected and to make adequate provisions for such affected persons for their rehabilitation and resettlement. The provisions of Act of 2013 aim at ousting all inter-meddlers from the fray by ensuring payment in the bank account of landholders Under Section 77 of the Act.

24. The intendment of Act of 2013 is to benefit farmers etc. Subsequent purchasers cannot be said to be landowners



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entitled to restoration of land and cannot be termed to be affected persons within the provisions of Act of 2013. It is not open to them to claim that the proceedings have lapsed Under Section 24(2)."

The Hon'ble Supreme Court of India held that challenging the acquisition proceedings under the provision of Section 24 of the New Act cannot be made, based on a void transaction nor declaration to get the property back. The transaction once void, is always a void transaction, as no title can be acquired in the land as such, no such declaration can be sought. It would not be legal, just and equitable to give the land back to the purchaser as land was not capable of being sold which was in process of acquisition under the Act of 1894. Therefore, the New Act does not confer any right on purchaser whose sale is ab initio void. Therefore the petitioners cannot challenge the acquisition proceedings being the subsequent purchasers.

10. Therefore, the subsequent purchasers cannot challenge the acquisition proceedings which were initiated and concluded while the properties stood in the name of the original owners.

11. In view of the above discussion, all the writ petitions are devoid of merits and liable to be dismissed. Accordingly, all 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

1. Secretary,
State of Tamilnadu,
Housing and Urban Development Department,
Fort St. George,
Chennai-9



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2.The Managing Director,
Tamilnadu Housing Board,
Nandanam,
Chennai-9

3.The Executive Engineer,
and Administrative Officer,
Besant Nagar Division,
Tamilnadu Housing Board Unit,
No.48, Dr.Muthulakshmi Road,
Adyar 600 020

4.The Special Thasildar,
Land Acquisition, Unit - V,
Tamilnadu Housing Board Schemes,
Aringar Anna Shopping Complex,
7th Avenue, Thirumangalam,
Chennai 600 101

+15ccs to Mr.RN.Amarnath, Advocate, S.R.No.48916

+4ccs to Mr.N.KrishnaKumar, Advocate, S.R.No.49657 to 49660

WP.Nos.20219 to 20225, 32019, 22990 to 22996 of 2014 and
10287 of 2015, 32018 & 29110 of 2014

AJS (CO)
B.VC (12/10/2021)