



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.44249 of 2016
and
W.M.P.No.38095 of 2016

Unnamalai Ammal

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
3. The Administrative Officer/
Executive Engineer,
Tamil Nadu Housing Board,
Ayyanthirumaligai Road,
Asthampatti, Salem - 8.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the entire records relating to the impugned under Section 4(1) notification in G.O.Ms.No.525, Housing and Urban Development Department, dated 25.05.1985 and subsequently issued notification under Section 6 declaration of Land Acquisition Act in G.O.Ms.No.1408, Housing and Urban Development Department, dated 03.09.1986 issued by the first respondent and quash the same, since as per under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).

For Petitioner : Mr.C.Prakasam



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For Respondents

For R1 : Mr.M.R.Gokul Krishnan
Government Advocate.

For R2 & R3 : Mr.I.Sathish
Standing Counsel

ORDER

The Writ Petition has been filed to call for the entire records relating to the impugned notification under Section 4(1) of the Land Acquisition Act, in G.O.Ms.No.525, Housing and Urban Development Department, dated 25.05.1985 and subsequently issued notification under Section 6 declaration of the Land Acquisition Act in G.O.Ms.No.1408, Housing and Urban Development Department, dated 03.09.1986 issued by the first respondent and quash the same as per under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (herein after called as "the New Act").

2. Heard Mr.C.Prakasam, learned counsel appearing for the petitioner, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the first respondent and Mr.I.Sathish, learned Standing Counsel appearing for the respondents 2 & 3.

3. The grounds raised by the petitioner 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 has not been repealed.



with law. In view of the dictum laid down by the Hon'ble Supreme Court of India, the issues raised by the petitioner 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. In the result, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
3. The Administrative Officer/
Executive Engineer,
Tamil Nadu Housing Board,
Ayyanthirumaligai Road,
Asthampatti, Salem - 8.

+1cc to the Government Pleader, S.R.No.43015,42998

W.P.No.44249 of 2016
and W.M.P.No.38095 of 2016

PMK(CO)
SU(21/09/2021)