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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

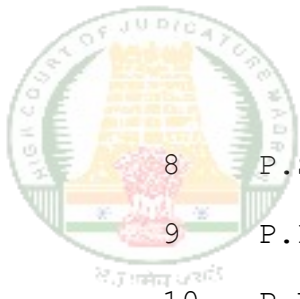
CORAM

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

WP.NOS.296 TO 305 OF 2018, 14921 & 15847 OF 2017,
20572 OF 2016 AND 20971 OF 2017
AND
WMP.NOS.16166 & 17157 OF 2017

SHAKUNTALA CHOUDHRY	... PETITIONER in WP No.296 of 2018
SIDDARTHA CHOUDHRY	... PETITIONER in WP No.297 of 2018
SUDHIR CHOUDHRY	... PETITIONER in WP No.298 of 2018
PUSPHA CHOUDHRY	... PETITIONER in WP No.299 of 2018
A.S.OVERSEAS PRIVATE	... PETITIONER in WP No.300 of 2018
POONAM CHOUDHRY	... PETITIONER in WP No.301 of 2018
CHANDHA CHOUDHRY	... PETITIONER in WP No.302 of 2018
M/S.PRIX TRADE AND AGENCIES PRIVATE LIMITED REP BY ITS DIRECTOR JITENDRA KUMAR CHOUDHRY	... PETITIONER in WP No.303 of 2018
NISHA CHOUDHARY	... PETITIONER in WP No.304 of 2018
ASHOK CHOUDHRY	... PETITIONER in WP No.305 of 2018

1	P.VIJAYAKUMAR
2	M.S.SOUNDARARAJAN
3	M.S.KUMARAN
4	M.KALAVATHY
5	MEENA
6	KOMALA PREETHI
7	RAJASUNDARAM



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8 P. STALIN SELVASEKARAN

9 P. PRABHU

10 P. KANNAN

11 KATHIRKAMATHAI

12 M. BAKKIALAKSMI

13 C. SELVI

14 KAVYA

15 C. VIVEK ... PETITIONER in WP No.14921 of 2017

1 P. VIJAYAKUMAR

2 M. S. SOUNDARARAJAN

3 M. S. KUMARAN

4 KALAVATHY

5 MEENA

6 KOMALA PREETHI

7 RAJASUNDARAM

8 P. STALIN SELVASEKARAN

9 P. PRABHU

10 P. KANNAN

11 KATHIRKAMATHAI

12 M. BAKKIALAKSHMI

13 C. SELVI

14 C. VIVEK ... PETITIONER in WP No.20572 of 2016

1 VANATHATCHIAMMAN

2 N. PARANTHAMAN



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3 N.VIJAYKUMAR

4 MANJULA

5 SASIKALA

6 RANJINI

7 REVATHY

8 AJANTHA

... PETITIONER in WP No.15847 of 2017

1 M/S.PRIX TRADE AND AGENCIES
PVT. LTD. NO.5B CLIVE GHAT STREET KOLKATA
700 001 REP. BY ITS DIRECTOR

... PETITIONER in WP No.20971 of 2017

Vs

1 THE GOVERNMENT OF TAMIL NADU
REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT DEPARTMENT
SECRETARIAT CHENNAI 9

2 THE TAMIL NADU HOUSING BOARD
REP BY ITS CHAIRMAN AND MANAGING DIRECTOR
493 ANNA SALAI NANDANAM CHENNAI 35.

3 THE SPECIAL TAHSILDAR
LAND ACQUISITION IV TAMIL NADU HOUSING
BOARD SCHEME NANDANAM CHENNAI 35.

... RESPONDENT in WP No.296 to 305/2018

1 THE STATE OF TAMIL NADU
REP BY ITS SECRETARY HOUSING AND URBAN
DEVELOPMENT DEPARTMENT FORT ST. GEORGE
CHENNAI-600 009

2 THE CHAIRMAN
AND MANAGING DIRECTOR TAMIL NADU HOUSING
BOARD NANDANAM CHENNAI-35

3 THE SPECIAL DEPUTY COLLECTOR
LAND ACQUISITION TAMIL NADU HOUSING BOARD
SCHEME CHENNAI-35



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4 THE LAND ACQUISITION OFFICER
AND THE SPECIAL TAHSILDAR LAND ACQUISITION -
IV TAMIL NADU HOUSING BOARD SCHEME
NANDANAM CHENNAI-35

... RESPONDENT in WP No.14921 of 2017

- 1 THE STATE OF TAMIL NADU
REP.BY ITS SECRETARY HOUSING AND URBAN
DEVELOPMENT DEPARTMENT FORT ST.GEORGE
CHENNAI-009.
- 2 THE CHAIRMAN AND MANAGING
DIRECTOR TAMIL NADU HOUSING BOARD NANDANAM
CHENNAI-35.
- 3 THE SPECIAL DEPUTY COLLECTOR
LAND ACQUISITION TAMIL NADU HOUSING BOARD
SCHEME CHENNAI.
- 4 THE SPECIAL TAHSILDAR
LAND ACQUISITION-IV TAMIL NADU HOUSING
BOARD SCHEME NANDANAM CHENNAI-35.

... RESPONDENT IN WP NO.20572 OF 2016 AND
WP NO.15847 OF 2017

- 1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY HOUSING AND URBAN
DEVELOPMENT DEPARTMENT FORT ST. GEORGE
SECRETARIAT CHENNAI-9
- 2 THE SPECIAL TAHSILDAR
LAND ACQUISITION TAMILNADU HOUSING BOARD
SCHEME NANDANAM CHENNAI-35
- 3 THE TAMILNADU HOUSING BOARD
REP. BY ITS CHAIRMAN & MANAGING DIRECTOR
MOUNT ROAD NANDANAM CHENNAI-35

... RESPONDENT in WP No.20971 of 2017

WP No.296 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that Land Acquisition proceedings in respect of the lands of the



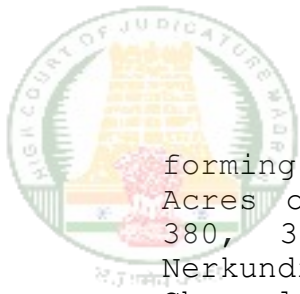
petitioner herein to the tune of 1.38 Acres or thereabout comprised in Survey Nos. 382 Part, 383 and 384 Part forming Part of the comprehensive larger extent of land of 34.4 Acres or thereabout comprised in Survey Nos. 376/2, 378, 379, 380, 381/1, 381/2, 382, 383, 384 and 398 etc in No.100 Nerkundram Village (Block VI), then Saidapet Taluk and then Chengalpattu District, KK. Nagar Extension Scheme, published in Gazette Notifications under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.R. No. 124, Housing and Urban Development Department, dt 8.5.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R.No.993, Housing and Urban Development Department, dated 07.06.1978 and the consequential Award No.1 of 1997, dated 31.10.1997 of the 3rd Respondent herein as deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Repossession of the said lands to the Petitioner herein.

WP No.297 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that Land Acquisition proceedings in respect of the lands of the petitioner herein to the tune of 0.92 Acres or thereabout comprised in Survey Nos. 376/2 Part, 379 Part and 380 Part, forming Part of the comprehensive larger extent of land of 34.4 Acres or thereabout comprised in Survey Nos. 376/2, 378, 379, 380, 381/1, 381/2, 382, 383, 384 and 398 etc in No.100 Nerkundram Village (Block VI), then Saidapet Taluk and then Chengalpattu District, KK. Nagar Extension Scheme, published in Gazette Notifications under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.R. No. 124, Housing and Urban Development Department, dt 8.5.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R.No.124, Housing and Urban Development Department, dated 08.05.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R.No.993, Housing and Urban Development Department, dated 07.06.1978 and the consequential Award No.1 of 1997, dated 31.10.1997 of the 3rd Respondent herein as deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Repossession of the said lands to the Petitioner herein.

WP No.298 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that Land Acquisition proceedings in respect of the lands of the petitioner herein to the tune of 1.27 Acres or thereabout comprised in Survey Nos. 378 Part, 380 Part, 381/2 and 383,



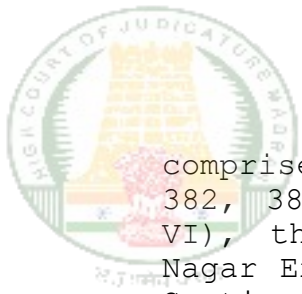
forming Part of the comprehensive larger extent of land of 34.4 Acres or thereabout comprised in Survey Nos. 376/2, 378, 379, 380, 381/1, 381/2, 382, 383, 384 and 398 etc in No.100 Nerkundram Village (Block VI), then Saidapet Taluk and then Chengalpattu District, KK. Nagar Extension Scheme, published in Gazette Notifications under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.R. No. 124, Housing and Urban Development Department, dt 8.5.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R.No.993, Housing and Urban Development Department, dated 07.06.1978 and the consequential Award No.1 of 1997, dated 31.10.1997 of the 3rd Respondent herein as deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Repossession of the said lands to the Petitioner herein.

WP No.299 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that Land Acquisition proceedings in respect of the lands of the petitioner herein to the tune of 1.38 Acres or thereabout comprised in Survey Nos. 382 Part, 383 and 384 part, forming Part of the comprehensive larger extent of land of 34.4 Acres or thereabout comprised in Survey Nos. 376/2, 378, 379, 380, 381/1, 381/2, 382, 383, 384 and 398 etc in No.100 Nerkundram Village (Block VI), then Saidapet Taluk and then Chengalpattu District, KK. Nagar Extension Scheme, published in Gazette Notifications under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.R. No. 124, Housing and Urban Development Department, dt 8.5.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R. No.124, Housing and Urban Development, Department, dated 08.05.1975 and under Section 6 of the land Acquisition Act, 1894 vide G.O.R.No.993, Housing and Urban Development Department, dated 07.06.1978 and the consequential Award No.1 of 1997, dated 31.10.1997 of the 3rd Respondent herein as deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Repossession of the said lands to the Petitioner herein.

WP No.300 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that Land Acquisition proceedings in respect of the lands of the petitioner herein to the tune of 1.38 Acres or thereabout comprised in Survey No.376/2 Part, forming Part of the comprehensive larger extent of land of 34.4 Acres or thereabout



comprised in Survey Nos. 376/2, 378, 379, 380, 381/1, 381/2, 382, 383, 384 and 398 etc in No.100 Nerkundram Village (Block VI), then Saidapet Taluk and then Chengalpattu District, KK. Nagar Extension Scheme, published in Gazette Notifications under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.R. No. 124, Housing and Urban Development Department, dt 8.5.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R. No. 993, Housing and Urban Development Department, dated 07.06.1978 and the consequential Award No.1 of 1997, dated 31.10.1997 of the 3rd Respondent herein as deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Repossession of the said lands to the Petitioner herein.

WP No.301 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that Land Acquisition proceedings in respect of the lands of the petitioner herein to the tune of 1.37 Acres or thereabout comprised in Survey Nos. 379, 381/1, 382 Part, 384 Part and 398 Part forming Part of the comprehensive larger extent of land of 34.4 Acres or thereabout comprised in Survey Nos. 376/2, 378, 379, 380, 381/1, 381/2, 382, 383, 384 and 398 etc in No.100 Nerkundram Village (Block VI), then Saidapet Taluk and then Chengalpattu District, KK. Nagar Extension Scheme, published in Gazette Notifications under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.R. No. 124, Housing and Urban Development Department, dt 8.5.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R.No.993, Housing and Urban Development Department, dated 07.06.1978 and the consequential Award No.1 of 1997, dated 31.10.1997 of the 3rd Respondent herein as deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Repossession of the said lands to the Petitioner herein.

WP No.302 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that Land Acquisition proceedings in respect of the lands of the petitioner herein to the tune of 1.38 Acres or thereabout comprised in Survey Nos. 378 Part, 382 Part and 383, forming Part of the comprehensive larger extent of land of 34.4 Acres or thereabout comprised in Survey Nos. 376/2, 378, 379, 380, 381/1, 381/2, 382, 383, 384 and 398 etc in No.100 Nerkundram Village (Block VI), then Saidapet Taluk and then Chengalpattu District, KK. Nagar Extension Scheme, published in Gazette Notifications



under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.R. No. 124, Housing and Urban Development Department, dt 8.5.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R.No.993, Housing and Urban Development Department, dated 07.06.1978 and the consequential Award No.1 of 1997, dated 31.10.1997 of the 3rd Respondent herein as deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Repossession of the said lands to the Petitioner herein.

WP No.303 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that Land Acquisition proceedings in respect of the lands of the petitioner herein to the tune of 1.38 Acres or thereabout comprised in Survey No. 376/2 Part, forming Part of the comprehensive larger extent of land of 34.4 Acres or thereabout comprised in Survey Nos. 376/2, 378, 379, 380, 381/1, 381/2, 382, 383, 384 and 398 etc in No.100 Nerkundram Village (Block VI), then Saidapet Taluk and then Chengalpattu District, KK. Nagar Extension Scheme, published in Gazette Notifications under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.R. No. 124, Housing and Urban Development Department, dt 8.5.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R.No.993, Housing and Urban Development Department, dated 07.06.1978 and the consequential Award No.1 of 1997, dated 31.10.1997 of the 3rd Respondent herein as deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Repossession of the said lands to the Petitioner herein.

WP No.304 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that Land Acquisition proceedings in respect of the lands of the petitioner herein to the tune of 1.27 Acres or thereabout comprised in Survey Nos.378 Part, 380 Part, 381/1 and 381/2, forming Part of the comprehensive larger extent of land of 34.4 Acres or thereabout comprised in Survey Nos. 376/2, 378, 379, 380, 381/1, 381/2, 382, 383, 384 and 398 etc in No.100 Nerkundram Village (Block VI), then Saidapet Taluk and then Chengalpattu District, KK. Nagar Extension Scheme, published in Gazette Notifications under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.R. No. 124, Housing and Urban Development Department, dt 8.5.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R.No.993, Housing and Urban Development Department, dated 07.06.1978 and the consequential



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Award No.1 of 1997, dated 31.10.1997 of the 3rd Respondent herein as deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Repossession of the said lands to the Petitioner herein.

WP No.305 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that Land Acquisition proceedings in respect of the lands of the petitioner herein to the tune of 0.92 Acres or thereabout comprised in Survey Nos.379 Part and 398 Part, forming Part of the comprehensive larger extent of land of 34.4 Acres or thereabout comprised in Survey Nos. 376/2, 378, 379, 380, 381/1, 381/2, 382, 383, 384 and 398 etc in No.100 Nerkundram Village (Block VI), then Saidapet Taluk and then Chengalpattu District, KK. Nagar Extension Scheme, published in Gazette Notifications under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.R. No. 124, Housing and Urban Development Department, dt 8.5.1975 and under Section 6 of the Land Acquisition Act, 1894 vide G.O.R.No.993, Housing and Urban Development Department, dated 07.06.1978 and the consequential Award No.1 of 1997, dated 31.10.1997 of the 3rd Respondent herein as deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Repossession of the said lands to the Petitioner herein.

WP No.14921 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring the land acquisition proceedings have lapsed with respect of lands comprise in S.No. 385, 386 and 387 measuring about 4.22 acres at Nerkundram Village Ambattur Taluk, Thiruvallur District, acquired as per G.O.Rt. No. 124 dated 08.05.1975 and G.O.Ms.No.993 dated 07.06.1978 on the file of first respondent and award No. 1/1997 dated 31.10.1997 on the file of fourth respondent by virtue of operation of 24 (2) of The Right of Fair Compensation and Transparency in Land Acquisition Rehabilitation and resettlement Act, 2013,

WP No.20572 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration Declaring the land acquisition proceedings initiated against in respect of the land measuring an extent of 25 cents comprised in S.No.392 Nerkundram Village, Saidapet Taluk, Chenglepet District, in



G.O.RT No.124 Housing Department dated 08.05.1975 and draft declaration in G.O.Ms.No.993 dated 07.06.1978 as lapsed as per the section 24(2) of Right of Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

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WP No.15847 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring the land acquisition proceedings have lapsed with respect of 48 cents comprised in S.No.385 and 386 at Nerkundram Village Ambattur Taluk, Thiruvallur District, acquired as per G.O. Rt. No.124 dated 08.05.1975 and G.O.Ms. No.993 dated 07.06.1978 on the file of first respondent and Award No.1/1997 dated 31.10.1997 on the file of first respondent and Award No.1/1997 dated 31.10.1997 on the file of fourth respondent by virtue of operation of 24 (2) of The Right of Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013

WP No.20971 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring the Land Acquisition proceedings in respect of the lands comprised in Survey No.396 Part, 397 Part, 398 Part, 388 Part of an extent of 3.55 Acres in NO.100, Nerkundram Village, Ambattur Taluk, Trivellore District Published in the notification under sec.4 (1) of the Land Acquisition Act, 1894 vide G.O.R.No.124 Housing and Urban Development Department dated 11.6.1975 and under Sec.6 of the Land Acquisition Act, 1894 vide G.O.Ms. No.993 Housing and Urban Development Department dated 7.6.1978 and the consequential Award No.1 of 1997 as deemed to have lapsed under Sec.24(2) of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Re-settlement Act, 2013

WP.Nos.296 to 305 of 2018

For Petitioners : Mr.SP.Patel

For Respondents
For R1 & 3 : Mr.Richardson Wilson,
Government Advocate

For R2 : Mr.M.Baskar,
Standing Counsel



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WP.Nos.20971 of 2017

For Petitioner : M/s.A.L.Ganthimathi

For Respondents

For R1 & 2 : Mr.Richardson Wilson,
Government Advocate

For R3 : Mr.M.Baskar,
Standing Counsel

WP.No.15847 of 2017 and WP.No.20572 of 2016

For Petitioners : Mr.M.Muthappan

For Respondents

For R1,3,4 : Mr.Richardson Wilson,
Government Advocate

For R2 : Mr.M.Baskar,
Standing Counsel

WP.No.14921 of 2017

For Petitioners : Mr.S.Vijaya Kumar

For Respondents

For R1,3,4 : Mr.Richardson Wilson,
Government Advocate

For R2 : Mr.M.Baskar,
Standing Counsel

COMMON ORDER

All the Writ Petitions have been filed challenging the acquisition proceedings on the ground that they were not paid compensation and the possession also not been taken even till today and as such the entire land acquisition proceedings have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The respective lands of the petitioners herein have been acquired for formation of KK Nagar Extension Scheme in the year 1971. The first respondent had approved the draft notification under Section 4 of the Land Acquisition Act(hereinafter called as 'the Act') in GO.Rt.No.124 Housing dated 08.05.1975 and published and notified the same in the notification No.II (2) / Hou/ 1861/75 at pages 1 to 25 of supplement to part II Section 2



of the Tamil Nadu Government Gazattee dated 11.06.1975 and declaration made under Section 6 of the Land Acquisition Act as published in the Tamil Nadu Government Gazattee in GO.Ms.No.993 dated 07.06.1978. All the petitioners had challenged the acquisition proceedings and the same had been dismissed. In fact, all the petitioners went upto the Hon'ble Supreme Court of India in SLP.Nos.3878 of 2007, 7258 of 2007 and failed. In fact, they failed to challenge the award passed in Award No.1 of 1997 dated 31.10.1997. These writ petitions have been filed after enactment of new Act i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on the above said remarks. The learned counsel for the petitioners in WP.Nos.14921 of 2017 submitted that the entire compensation amount have been deposited only after the new Act i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force and therefore the entire land acquisition proceedings have lapsed.

3. The respondents produced files and revealed that the possession of the land have already been taken over and handed over to the requisition body as early as on 06.05.1998. Insofar as the possession is concerned, revealed that Award No.1 of 1997 has been passed on 31.10.1997. Thereafter, the entire award amount has been deposited under work deposit in the Government account. As cases were pending against the land acquisition proceedings, the possession of the land could not have been taken in time. Therefore, the compensation kept in work deposit could not be transferred and remitted to the civil court deposit. After disposal of the writ appeals filed by the petitioners on 13.09.2006 and 20.11.2006, the physical possession has been taken over and handed over to the requisition body on 22.12.2006. After dismissal of the SLP before the Hon'ble Supreme Court of India, the compensation amount which were kept in work deposit said to have been lapsed and revival of the lapsed deposit could not be carried out for the reason of pendency of the SLP cases. Thereafter, the requisition body have provided fresh funds for depositing the compensation and accordingly, on 06.08.2014 deposited in the Sub Court, Poonamallee being the compensation amount payable to the petitioners as contemplated under Sections 30 and 31 of the Land Acquisition Act. Therefore, all the petitioners failed to fulfill the twin conditions to attract the provision under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. That apart, the petitioners have already challenged the land acquisition proceedings and the present writ petitions have been filed only on the above said two grounds and also now failed to prove the same. Therefore, it is nothing but relitigation.



4. 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 acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance



To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat,
Chennai 600 009
2. The Chairman & Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai 600 035
3. The Special Tahsildar,
Land Acquisition - IV,
Tamil Nadu Housing Board Scheme,
Nandanam,
Chennai 600 035
4. The Special Deputy Collector,
Land acquisition,
Tamil Nadu, Housing Board,
Scheme,
Chennai-35
5. The Secretary,
State of Tamil Nadu, Housing & Urban
Development Department,
Fort St.George, Chennai-9
6. The Land Acquisition Officer
And The Special Tahsildar Land Acquisition - IV
Tamil Nadu Housing Board Scheme
Nandanam Chennai-35

+9ccs to Mr.S.P.Patel, Advocate, S.R.No.51821 to 51829
+2ccs to Mr.Muthappan, Advocate, S.R.No.51670,51672
+2ccs to Mr.S.Vijayakumar, Advocate, S.R.No.51671,51820

WP.Nos.296 to 305 of 2018, 14921 & 15847 of 2017,
20572 of 2016 and 20971 of 2017

RD(CO)
PM/10/12/2021