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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.NOS.26311, 26312, 26313, 26314  
26315, 26316, 26317 OF 2014  
AND M.P.NO.1 OF 2014 (7 NOS.)

W.P.No.26311 of 2014

M.Natarajan

... Petitioner

-vs-

1. The State of Tamilnadu rep. by its  
Secretary to Government,  
Housing and Urban Development  
Department, Government of Tamilnadu,  
Fort Saint George,  
Chennai - 600 009.
2. The Managing Director,  
Tamilnadu Housing Board,  
Nandanam,  
Anna Salai,  
Chennai - 600 035.
3. The Special Tahsildar (Land Acquisition)  
Veli Semmandalam Village,  
Cuddalore Panchayat Union,  
Cuddalore District.

... Respondents

W.P.No.26312 of 2014

V.John Vedakumar

... Petitioner

-vs-

1. The State of Tamilnadu rep. by its  
Secretary to Government,  
Housing and Urban Development  
Department, Government of Tamilnadu,  
Fort Saint George,  
Chennai - 600 009.



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2. The Managing Director,  
Tamilnadu Housing Board,  
Nandanam,  
Anna Salai,  
Chennai - 600 035.

3. The Special Tahsildar (Land Acquisition)  
Veli Semmandalam Village,  
Cuddalore Panchayat Union,  
Cuddalore District.

... Respondents

W.P.No.26313 of 2014

V.Leela

... Petitioner

-vs-

1. The State of Tamilnadu rep. by its  
Secretary to Government,  
Housing and Urban Development  
Department, Government of Tamilnadu,  
Fort Saint George,  
Chennai - 600 009.
2. The Managing Director,  
Tamilnadu Housing Board,  
Nandanam,  
Anna Salai,  
Chennai - 600 035.
3. The Special Tahsildar (Land Acquisition)  
Veli Semmandalam Village,  
Cuddalore Panchayat Union,  
Cuddalore District.

... Respondents

W.P.No.26314 of 2014

V.Thirugnanam

... Petitioner

-vs-

1. The State of Tamilnadu rep. by its  
Secretary to Government,  
Housing and Urban Development  
Department, Government of Tamilnadu,  
Fort Saint George,  
Chennai - 600 009.



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2. The Managing Director,  
Tamilnadu Housing Board,  
Nandanam,  
Anna Salai,  
Chennai - 600 035.

3. The Special Tahsildar (Land Acquisition)  
Veli Semmandalam Village,  
Cuddalore Panchayat Union,  
Cuddalore District.

... Respondents

W.P.No.26315 of 2014

S.Rohini

... Petitioner

-vs-

1. The State of Tamilnadu rep. by its  
Secretary to Government,  
Housing and Urban Development  
Department, Government of Tamilnadu,  
Fort Saint George,  
Chennai - 600 009.
2. The Managing Director,  
Tamilnadu Housing Board,  
Nandanam,  
Anna Salai,  
Chennai - 600 035.
3. The Special Tahsildar (Land Acquisition)  
Veli Semmandalam Village,  
Cuddalore Panchayat Union,  
Cuddalore District.

... Respondents

W.P.No.26316 of 2014

R.Vijaya

... Petitioner

-vs-

1. The State of Tamilnadu rep. by its  
Secretary to Government,  
Housing and Urban Development  
Department, Government of Tamilnadu,  
Fort Saint George,  
Chennai - 600 009.



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2. The Managing Director,  
Tamilnadu Housing Board,  
Nandanam,  
Anna Salai,  
Chennai - 600 035.

3. The Special Tahsildar (Land Acquisition)  
Veli Semmandalam Village,  
Cuddalore Panchayat Union,  
Cuddalore District.

... Respondents

W.P.No.26317 of 2014

V.Annadurai

... Petitioner

-vs-

1. The State of Tamilnadu rep. by its  
Secretary to Government,  
Housing and Urban Development  
Department, Government of Tamilnadu,  
Fort Saint George,  
Chennai - 600 009.

2. The Managing Director,  
Tamilnadu Housing Board,  
Nandanam,  
Anna Salai,  
Chennai - 600 035.

3. The Special Tahsildar (Land Acquisition)  
Veli Semmandalam Village,  
Cuddalore Panchayat Union,  
Cuddalore District.

... Respondents

Prayer in W.P.No.26311 of 2014:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.60, measuring an extent of 1275 sq.ft. at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30



of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

Prayer in W.P.No.26312 of 2014:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot Nos.29 & 28(part), measuring an extent of 2250 sq.ft. at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

Prayer in W.P.No.26313 of 2014:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.52, measuring an extent of 2250 sq.ft. at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

Prayer in W.P.No.26314 of 2014:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.25 at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and



Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

Prayer in W.P.No.26315 of 2014:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.62 at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

Prayer in W.P.No.26316 of 2014:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.61 at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

Prayer in W.P.No.26317 of 2014:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.30A at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view



of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

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For Petitioners : M/s.Paul and Paul  
in all WP's

For Respondents : Mr.Richardson Wilson,  
1, 3 Government Advocate  
in all WP's

For Respondent : Mr.Vanchinathan,  
2 Standing Counsel  
in all WP's

#### C O M M O N O R D E R

The W.P.No.26311 of 2014 is filed to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.60, measuring an extent of 1275 sq.ft. at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

2. The W.P.No.26312 of 2014 is filed to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot Nos.29 & 28(part), measuring an extent of 2250 sq.ft. at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

3. The W.P.No.26313 of 2014 is filed to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under



erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.52, measuring an extent of 2250 sq.ft. at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

4. The W.P.No.26314 of 2014 is filed to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.25 at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

5. The W.P.No.26315 of 2014 is filed to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.62 at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

6. The W.P.No.26316 of 2014 is filed to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.61 at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land



Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

7. The W.P.No.26317 of 2014 is filed to issue a writ of declaration declaring the Section 4(1) and culminating in Section 6(1) of the acquisition proceedings initiated under erstwhile Land Acquisition Act, 1894, vide G.O.Ms.No.379 and G.O.Ms.No.943 of the Department of Housing and Urban Development dated 19.04.1990 and 06.06.1991 in respect of property situated under Survey No.28/1, Plot No.30A at Rajiv Gandhi Nagar, Veli Semmandalam Village, Cuddalore Panchayat Union, Cuddalore District, which property being a part of 4.56 acres as null and void as deemed to have lapsed in view of Section 24 of Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

8. All the petitioners already challenged the acquisition proceedings by way of writ petitions. All the writ petitions dismissed with liberty to the petitioner to approach the Government and satisfy them for re-conveyance of the impugned lands, by invoking Section 48(b) of the Land Acquisition Act, 1894, that the said request was rejected by the Authority concerned and aggrieved by the same again the petitioners filed writ petitions before this Court. Those writ petitions were also dismissed on the ground that the land acquired are still required for public purpose and therefore no benefit given to the petitioners under Section 48(b) of the Land Acquisition Act, 1894.

9. After the period of 14 years these petitions are filed challenging the acquisition proceedings on the ground of Section 24 of the New Act. In view of the law settled by the Constitution Bench of 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:

"366.9. 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 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."

10. In view of the above, the petitioners cannot maintained these writ petitions challenging the acquisition proceedings questioning the legality of the mode of taking possession and also payment of compensation. In view of the of the law settled by the Constitution Bench of the Hon'ble Supreme Court of India, these writ petitions are devoid on merits.

11. Accordingly, these writ petitions are dismissed. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rna

To

1. Secretary to Government,  
The State of Tamilnadu  
Housing and Urban Development  
Department, Government of Tamilnadu,  
Fort Saint George, Chennai - 600 009.
2. The Managing Director,  
Tamilnadu Housing Board,  
Nandanam,  
Anna Salai,  
Chennai - 600 035.
3. The Special Tahsildar (Land Acquisition)  
Veli Semmandalam Village,  
Cuddalore Panchayat Union,  
Cuddalore District.

+1cc to M/s.Paul and Paul, Advocate, S.R.No.42147

+2ccs to M/s.Paul and Paul, Advocate, S.R.No.42147(28/10/2021)

W.P.Nos.26311, 26312, 26313,  
26314, 26315, 26316,  
26317 of 2014  
and M.P.No.1 of 2014 (7 Nos.)

KSM(CO)



PM/12/10/2021

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