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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

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

W.P.NO.26582 OF 2014

AND

M.P.NO.1 OF 2014

S.Jothi

... 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,
Anna Salai, Nandanam,
Chennai - 600 035.
3. The Special Tahsildar (Land Acquisition),
Veli Semmandalam Village,
Cuddalore Panchayat Union,
Cuddalore District.

... Respondents

PRAYER:-

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.27 & 28(part) 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 and for a consequential direction to the respondents to re-convey the subject land to the petitioner.



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For Petitioner : M/s.Paul and Paul
For Respondents : Mr.Richardson Wilson,
1 & 3 Government Advocate
For Respondent 2 : Mr.Vanchinathan,
Standing Counsel

O R D E R

This Writ Petition 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.27 & 28(part) 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 and for a consequential direction to the respondents to re-convey the subject land to the petitioner.

2. The petitioner already challenged the acquisition proceedings by way of writ petitions. 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 petitioner 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.

3. 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:



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"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."

4. In view of the above, the petitioner cannot maintained this writ petition 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, this writ petition is devoid on merits.

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

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamilnadu rep. by its
Secretary to Government,
Housing and Urban Development Department,
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Fort Saint George,
Chennai - 600 009.
2. The Managing Director,
Tamilnadu Housing Board,
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Chennai - 600 035.



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

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+1cc to M/s.Paul and Paul, Advocate, S.R.No.42148

W.P.NO.26582 OF 2014 AND
M.P.NO.1 OF 2014

KV (CO)
PBS/15/09/2021