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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2021

CORAM

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

W.P.No.29770 of 2014

Ananda Kumar

... Petitioner

-Vs.-

1.The Government of Tamilnadu,
Rep.by Secretary to Government
Harijan Welfare Department,
St.George Fort, Secretariat, Chennai.

2.The Special Tahsildhar,
ADW, Land Acquisition Officer,
Thiruppattur, Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring land acquisition Proceedings initiated under award No.Na.Ka.A.1510/1989 No.1/1992-1993 dated 11.05.1992 comprising Natrampalli S.No.25/2, 0.53.0 Hectors of land as lapsed in view of Section 24(2) of right Fair Compensation and Transparency Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

For Petitioner : R.T.Sundari

For Respondents : Mr.M.R.Gokul Krishnan,
Government Advocate.

O R D E R

This Writ Petition has been filed to issue a Writ of Declaration, declaring land acquisition Proceedings initiated under award No.Na.Ka.A.1510/1989 No.1/1992-1993 dated 11.05.1992 comprising Natrampalli S.No.25/2, 0.53.0 Hectors of land as



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

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2. The petitioner's father owned land in S.No.25/2 to an extent of 0.53.0 hectare situated at Natrampalli Village, Thirupathur Taluk. While being so, the second respondent acquired the petitioner's father's land for providing house sites to Harijans at Natrampalli Village. The second respondent passed an award on 17.12.2004 for the land acquired from the petitioner's father. The petitioner's father raised objections and referred under section 18(2)(b) for enhancement of compensation. It was numbered in LAOP No. 15 of 2002 and the Court below enhanced the compensation to Rs.28,86,444/-. Though, the second respondent deposited the award amount before the Court below, the second respondent failed to deposit the enhanced compensation as awarded by the Referral Court with interest at the rate of 15% from 18.12.2005.

3. In fact, the second respondent also preferred an appeal as against LAOP. No.15/2002 with a delay petition in CMP No.1 of 2007 and the same was also dismissed by an order dated 30.07.2009. Therefore, the enhanced award passed by the Court below became final and even then the second respondent failed to deposit the enhanced amount. Therefore, the petitioner filed this writ petition, in view of the Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, challenging the very acquisition proceedings.

4. Admittedly, the acquisition proceeding was initiated in the year 1989 and after passing the award, the petitioner's father raised objections and referred before the Referral Court. In LAOP No.15 of 2002, the award amount was enhanced. The possession was also taken from the petitioner and allotted to the beneficiaries under the Harijan Welfare Scheme. Though the award amount was deposited, there is no material to show that the second respondent deposited the enhanced award amount.

5. Considering the above, the acquisition proceedings cannot be lapsed, in view of the Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, since already the possession was



taken and the award amount was deposited in the Court below. Insofar as the enhanced award amount is concerned, the second respondent is directed to pay the enhanced amount with interest as awarded in LAOP No.15 of 2002 on the file of Additional District Munsif Court (Fast Track Court), Thirupathur, forthwith, if not already deposited. On such deposit, the petitioner being the legal heir of his father is permitted to withdraw the same.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

llp

To

1.The Secretary to Government
Harijan Welfare Department,
St.George Fort, Secretariat, Chennai.

2.The Special Tahsildhar,
ADW, Land Acquisition Officer,
Thiruppattur, Vellore District.

3.The Additional District Munsif,
Fast Track Court, Thiruppattur.

+1cc to the Government Pleader, S.R.No.43401

W.P.No.29770 of 2014

NR(CO)
SB(23/09/2021)