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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.31635 OF 2017
AND W.M.P.NO.34753 OF 2017

P.Sundaram

... Petitioner

-Vs-

1. The Secretary,
Housing and Urban Development
Department
Fort St. George,
Chennai - 600 009.
2. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.
3. The Land Acquisition Officer,
and Special Tahsildhar,
(Land Acquisition)
Housing Development Scheme No.1,
Coimbatore - 641 018.
4. The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad,
Coimbatore - 641 012.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring that the entire acquisition proceedings initiated by the first respondent culminating in Award No.1 of 1999 dated 29.10.1999 passed by the third respondent in respect of the property comprised in Survey No.538/2A situated at Vellakinar Village, Coimbatore Town and Taluk to an extent of 0.03.0 hectares as lapsed by operation of law in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).



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For Petitioner : Mr.C.Prabakaran
For Respondents
For R1 & R3 : Mr.Richardson Wilson
Government Advocate.
For R2 & R4 : Dr.R.Gouri
Standing Counsel.

ORDER

The Writ Petition has been filed to declare that the entire acquisition proceedings initiated by the first respondent culminating in Award No.1 of 1999 dated 29.10.1999 passed by the third respondent in respect of the property comprised in Survey No.538/2A situated at Vellakinar Village, Coimbatore Town and Taluk to an extent of 0.03.0 hectares as lapsed by operation of law in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) (herein after called as "the New Act").

2. The case of the petitioner is that after demise of his father, the petitioner and his brother are put in possession and enjoyment of the subject property and all the revenue records mutated in their names. While being so, the first respondent initiated acquisition proceedings and notification under Section 4(1) of the Land Acquisition Act, 1894 (herein after called as "old Act") was issued on 06.09.1996. Thereafter enquiry was conducted and award was passed in Award No.1 of 1999 on 29.10.1999. Now the petitioner filed the present Writ Petition challenging the entire acquisition proceedings under the new Act.

3. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner, Mr.Richardson Wilson, learned Government Advocate appearing for the respondents 1 & 3 and Dr.R.Gouri, learned Standing Counsel appearing for the respondents 2 & 4.

4. 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



over by the government and the possession was handed over to the Housing Board on 03.01.2008. Further the requisition body also deposited the compensation amount of Rs.5,408/- before the Principal Sub Court, Coimbatore, as awarded by the Land Acquisition Officer as early as on 29.10.1999 itself.

6. Therefore, the petitioner failed to satisfy the twin requirements under Section 24 (2) of the New Act i.e., the physical possession of the land was not taken and the compensation has not been paid/tendered/deposited in accordance 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.

7. 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 IX)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary,
Housing and Urban Development
Department
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Chennai - 600 009.
2. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.
3. The Land Acquisition Officer,
and Special Tahsildhar,
(Land Acquisition)
Housing Development Scheme No.1,
Coimbatore - 641 018.



4. The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad,
Coimbatore - 641 012.

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+1cc to Mr.C.Prabakaran, Advocate, S.R.No.46338
+1cc to the Government Pleader, S.R.No.46464

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SJ(CO)
PM/06/10/2021