



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.NOS.14507 & 13859 OF 2017 AND
WMP.NOS.15739 & 21519 OF 2017, 6747 OF 2018 AND
WMP.NOS.15044 & 21518 OF 2017, 6746 OF 2018

WP.No.14507 of 2017

V.Rathinavelu

...Petitioner

Vs.

1. State of Tamilnadu,
Rep. by its Secretary to Government,
Adi Dravidar Welfare Department,
Secretariat, Chennai 600 009.
2. The District Collector,
Collectorate, Villupuram,
Villupuram District 605 602.
3. The District Adi Dravidar Welfare Officer,
Collectorate, Villupuram,
Villupuram District 605 602.
4. The Special Tahsildar,
Adi Dravidar Welfare Office,
Kallakurichi, Villupuram District 606 202.
5. The Tahsildar,
Taluk Office, Sankarapuram Taluk,
Villupuram District 606 401.
6. The Village Administrative Officer,
Vanapuram Village, Ariyalur Post,
Sankarapuram Taluk,
Villupuram District 605 801.
7. Mangai
8. Selvi
9. Tamilarazi
10. Suralammal
11. Sumathi
12. Anjalakshi
13. Banumathi
14. Malar
15. Purani
16. Saritha



17.Sakundhala

(R7 to 17 are impleaded as per order dated 01.02.2018 in WMP.No.20813 of 2017 in WP.No.14507 of 2017)

18.Neela

19.Sheela

20.Pattammal

21.Thilagam

22.Gengaiyammal

23.Thoppuli

24.Palaniyammal

25.Pappa

26.Rajathi

27.Veerammal

28.Alamelu

29.Indirani

30.Chinnapillai

31.Gowriyammal

32.Panchalai

33.Saroja

34.Chinnapillai

35.Nagammal

36.Manjula

37.Rani

38.Banu

39.Palaniyammal

40.Dhanalakshmi

41.Rajeshwari

42.Manimegalai

43.Tamilselvi

44.Veerammal

45.Selvi

46.Palaniyammal

47.Amudha

48.Kantha

49.Anjalai

50.Veerammal

51.Kuppammal

52.Unnamalai

53.Alamelu

54.Arumbu

55.Sudha

56.Vijiya

57.Vijiya

58.Santhi

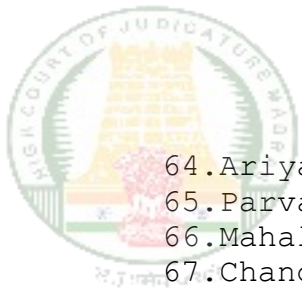
59.Annammal

60.Nirmala

61.Govindammal

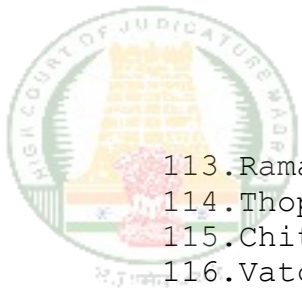
62.Parimala

63.Thilagavathi



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64. Ariyamala
65. Parvathi
66. Mahalakshmi
67. Chandira
68. Panchayi
69. Malliga
70. Arulmozhi
71. Kamatchi
72. Kala
73. Panjalidevi
74. Sumathi
75. Thurobatha
76. Palaniyammal
77. Chellam
78. Valarmathi
79. Parvathi
80. Ayyammal
81. Ayyammal
82. Arayi
83. Anjalai
84. Rani
85. Jeyashwari
86. Panchavarnam
87. Kalai Amutha
88. Dhalalakshmi
89. Rani
90. Poongavanam
91. Periya
92. Tamilselvi
93. Parimala
94. Asothai
95. Tamaraiselvi
96. Poonga
97. Revathy
98. Arumbu
99. Malliga
100. Veerammal
101. Muniyammal
102. Anandhi
103. Selvamani
104. Parvathi
105. Pattammal
106. Lakshmi
107. Maili
108. Angammal
109. Parvatham
110. Ellammal
111. Unnamalai
112. Malathi



113.Ramayi
114.Thoppuli
115.Chithra
116.Vatchala
117.Parameswari
118.Radha
119.Amsavalli
120.Vijaya
121.Vijiya
122.Pathma
123.Thavamani
124.Pappaththi
125.Kalpana
126.Manjula
127.Sasikala
128.Kamatchi
129.Kanagavalli
130.Amirdham
131.Santhi
132.Anjalai
133.Dilli
134.Chandra
135.Sivagami
136.Valli
137.Rajammal
138.Dhanalakshmi
139.Ellammal
140.Chandra
141.Saroja
142.Kamatchi
143.Arukkani
144.Anjalai
145.Kavitha
146.Jothilakshmi
147.Mariyammal
148.Aravi
149.Poongavanam
150.Pathma
(R18 to R150 impleaded as per order dated 31.08.2021
in WMP.No.22830 of 2018 in WP.No.14507 of 2017)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of declaration declaring that the fourth respondent's impugned notification under Section 3 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) dated 22.02.2005 and the second respondent's impugned notification under section



4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act No.31 of 1978) and it was published in Villupuram District Gazette dated 19.09.2005 and the fourth respondent's impugned award proceedings Na.Ka.No.350/04 dated .01.2006, shall be deemed to have been lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (The Central Act No.30 of 2013) in respect of the petitioner's properties in Survey No.131/A3 and 104/4 and vide patta No.567, total extent of 1.70.50 hector, situated at Vanapuram Village, Ariyalur Post, Sankarapuram Taluk, Villupuram District.

For Petitioner : Mr.J.Agni Selvaraju
For Respondents
For R1 to 6 : Mr.M.R.Gokul Krishnan,
Government Advocate
For R7 to 17 : Mr.R.Kumaravel

WP.No.13859 of 2017

T.Apparasu

...Petitioner

Vs.

1. State of Tamilnadu,
Rep. by its Secretary to Government,
Adi Dravidar Welfare Department,
Secretariat, Chennai 600 009.
2. The District Collector,
Collectorate, Villupuram,
Villupuram District 605 602.
3. The District Adi Dravidar Welfare Officer,
Collectorate, Villupuram,
Villupuram District 605 602.
4. The Special Tahsildar,
Adi Dravidar Welfare Office,
Kallakurichi, Villupuram District 606 202.
5. The Tahsildar,
Taluk Office, Sankarapuram Taluk,
Villupuram District 606 401.
6. The Village Administrative Officer,
Vanapuram Village, Ariyalur Post,
Sankarapuram Taluk,
Villupuram District 605 801.



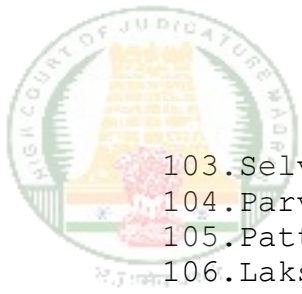
7. Mangai
8. Selvi
9. Tamilarazi
10. Suralammal
11. Sumathi
12. Anjalakshi
13. Banumathi
14. Malar
15. Purani
16. Saritha
17. Sakundhala

(R7 to 17 are impleaded as per order dated 16.04.2018 in WMP.No.20812 of 2017 in WP.No.13859 of 2017)

18. Neela
19. Sheela
20. Pattammal
21. Thilagam
22. Gengaiyammal
23. Thoppuli
24. Palaniyammal
25. Pappa
26. Rajathi
27. Veerammal
28. Alamelu
29. Indirani
30. Chinnapillai
31. Gowriyammal
32. Panchalai
33. Saroja
34. Chinnapillai
35. Nagammal
36. Manjula
37. Rani
38. Banu
39. Palaniyammal
40. Dhanalakshmi
41. Rajeshwari
42. Manimegalai
43. Tamilselvi
44. Veerammal
45. Selvi
46. Palaniyammal
47. Amudha
48. Kantha
49. Anjalai
50. Veerammal
51. Kuppammal
52. Unnamalai
53. Alamelu



- 54.Arumbu
55.Sudha
56.Vijiya
57.Vijiya
58.Santhi
59.Annammal
60.Nirmala
61.Govindammal
62.Parimala
63.Thilagavathi
64.Ariyamala
65.Parvathi
66.Mahalakshmi
67.Chandira
68.Panchayi
69.Malliga
70.Arulmozhi
71.Kamatchi
72.Kala
73.Panjalidevi
74.Sumathi
75.Thurobatha
76.Palaniyammal
77.Chellam
78.Valarmathi
79.Parvathi
80.Ayyammal
81.Ayyammal
82.Arayi
83.Anjalai
84.Rani
85.Jeyashwari
86.Panchavarnam
87.Kalai Amutha
88.Dhalalakshmi
89.Rani
90.Poongavanam
91.Periya
92.Tamilselvi
93.Parimala
94.Asothai
95.Tamaraiselvi
96.Poonga
97.Revathy
98.Arumbu
99.Malliga
100.Veerammal
101.Muniyammal
102.Anandhi



- 103.Selvamani
- 104.Parvathi
- 105.Pattammal
- 106.Lakshmi
- 107.Maili
- 108.Angammal
- 109.Parvatham
- 110.Ellammal
- 111.Unnamalai
- 112.Malathi
- 113.Ramayi
- 114.Thoppuli
- 115.Chithra
- 116.Vatchala
- 117.Parameswari
- 118.Radha
- 119.Amsavalli
- 120.Vijaya
- 121.Vijiya
- 122.Pathma
- 123.Thavamani
- 124.Pappaththi
- 125.Kalpana
- 126.Manjula
- 127.Sasikala
- 128.Kamatchi
- 129.Kanagavalli
- 130.Amirdham
- 131.Santhi
- 132.Anjalai
- 133.Dilli
- 134.Chandra
- 135.Sivagami
- 136.Valli
- 137.Rajammal
- 138.Dhanalakshmi
- 139.Ellammal
- 140.Chandra
- 141.Saroja
- 142.Kamatchi
- 143.Arukkani
- 144.Anjalai
- 145.Kavitha
- 146.Jothilakshmi
- 147.Mariyammal
- 148.Aravi
- 149.Poongavanam
- 150.Pathma



(R18 to R150 impleaded as per order dated 31.08.2021
in WMP.No.22829 of 2018 in WP.No.13859 of 2017)

...Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of declaration declaring that the fourth respondent's impugned notification under Section 3 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) dated 22.02.2005 and the second respondent's impugned notification under section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act No.31 of 1978) and it was published in Villupuram District Gazattee dated 19.09.2005 and the fourth respondent's impugned award proceedings Na.Ka.No.350/04 dated .01.2006, shall be deemed to have been lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (The Central Act No.30 of 2013) in respect of the petitioner's properties in Survey No.104/3A and 104/2B, vide patta Nos.227 and 918, total extent of 1.29.50 hector, situated at Vanapuram Village, Ariyalur Post, Sankarapuram Taluk, Villupuram District.

For Petitioner : Mr.J.Agni Selvaraju

For Respondents
For R1 to 6 : Mr.M.R.Gokul Krishnan,
Government Advocate

For R7 to 17 : Mr.R.Kumaravel

COMMON ORDER

Both the writ petitions have been filed to issue a writ of declaration declaring that the fourth respondent's impugned notification under Section 3 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) dated 22.02.2005 and the second respondent's impugned notification under section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act No.31 of 1978) and it was published in Villupuram District Gazattee dated 19.09.2005 and the fourth respondent's impugned award proceedings Na.Ka.No.350/04 dated .01.2006, shall be deemed to have been lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (The Central Act No.30



of 2013) in respect of the petitioners' respective properties situated at Vanapuram Village, Ariyalur Post, Sankarapuram Taluk, Villupuram District.

2. Heard, Mr.J.Agni Selvaraju, learned counsel appearing for the petitioners, Mr.M.R.Gokul Krishnan, Government Advocate appearing for the respondents 1 to 6 and Mr.R.Kumaravel, learned counsel appearing for the respondent 7 to 17.

3. The petitioners already challenged the above acquisition proceedings in WP.Nos.4784 & 6009 of 2006 before this Court and the same were dismissed by order dated 23.09.2010. Aggrieved by the same, the petitioners also filed WA.Nos.383 of 2011 & 2397 of 2010 and the same were dismissed by this Court on 09.03.2011 and 05.01.2011.

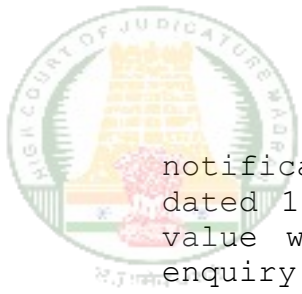
4. In the present writ petitions, the petitioners challenged the very same acquisition proceedings on the ground that the beneficiaries who were issued free house site patta are not entitled to get patta since already they are wealthy persons. All the beneficiaries are having patta land and some of the beneficiaries are not married persons. Therefore, they are not entitled to get free house site patta.

5.The fourth respondent filed counter, which revealed that Adidraavidar people of Vanapuram Village, Sankarapuram Taluk, Villupuram District represented to provide house site to them. Since no poramboke land was available, acquisition proceedings were initiated under Tamil Nadu Harijan Welfare Schemes Act 31/1978 and the District Collector had issued 4(2) authorization to acquire the following lands in Proc.M2/31134/04 dated 16.02.2005.

RS.No.	Classification	Extent
104/2B	Govt.dry land	0.58.0 hec
104/3A	Govt.dry land	0.71.5 hec
104/4	Govt.dry land	1.05.0 hec
131A/3	Govt.dry land	0.65.5 hec

		3.00.0 hec or 7.41 acres

In the above mentioned lands, the lands in RS.No.131/A3, 104/4, 104/2B, 104/3A in patta No.567, 918 & 227 were in the name of the petitioners herein. Hence, 3(1) notice in Form 1 under Section 4(2) of Tamil Nadu Acquisition Act (Act No.31 of 1978) was issued to the petitioners and wide publicity was also made. Accordingly 4(2) enquiry was conducted on 17.03.2005 in the village. The petitioners appeared for the enquiry and presented an objection petition. The objections were ruled out and 4(1)



notification was published in Villupuram District Gazette No.17 dated 19.09.2005 and it was published in the locality. The land value was also fixed by collecting sales statistics and Award enquiry was conducted on 04.01.2006. However, the petitioners refused to accept the determination of the land value. The award was passed in No.2/2005-2006 on 04.01.2006 and the compensation amount of Rs.3,19,555/- for the above said acquired land was deposited in Revenue Deposit in Sub Treasury, Kallakurichi on 20.01.2006.

6. Therefore, the possession of the respective lands was already taken over and handed over to 144 beneficiaries and they were also issued patta. Insofar as compensation is concerned, already deposited on 20.01.2006. Therefore, the writ petitions having been filed on the ground as contemplated under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, they failed to prove the same.

7. The grounds raised by the petitioners in the 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



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 with the provisions of the Act of 2013. In case the obligation under Section 31 of the Land Acquisition Act of 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the Act of 2013 has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the Act of 1894.

6. The proviso to Section 24(2) of the Act of 2013 is to be treated as part of Section 24(2) not part of Section 24(1) (b).

8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take



To

1. The Secretary to Government,
State of Tamilnadu,
Adi Dravidar Welfare Department,
Secretariat, Chennai 600 009.
2. The District Collector,
Collectorate, Villupuram,
Villupuram District 605 602.
3. The District Adi Dravidar Welfare Officer,
Collectorate, Villupuram,
Villupuram District 605 602.
4. The Special Tahsildar,
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Kallakurichi, Villupuram District 606 202.
5. The Tahsildar,
Taluk Office, Sankarapuram Taluk,
Villupuram District 606 401.
6. The Village Administrative Officer,
Vanapuram Village, Ariyalur Post,
Sankarapuram Taluk,
Villupuram District 605 801.

+2ccs to Mr.J.Agni Selvaraju, Advocate, S.R.No.44160

+1cc to Mr.R.Kumaravel, Advocate, S.R.No.43615

+1cc to the Government Pleader, S.R.No.43906

WP.Nos.14507 & 13859 of 2017

SVI (CO)
RLP (08/12/2021)