



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. Nos.17898 of 1999

1. K.Rajamanickam
2. Meenakshi Achi
3. M.R.Muthuraman
4. M.R.Kannan
- 5.M.R.Sekkappan
(Petitioners 1 to 5 rep by their
Power of Attorney Agent
D.Balachandran,
S/o.Dhandapandi Chettiar,
No.87, Sannadhi Street,
Cuddalore - 2.
6. M.Ramiah
7. M.V.Balasubramanian
8. B.Jeyanthi
9. E.Suseela
10. S.Sivagurunathan
11. D.Sitaraman
12. M.Anbarasi
13. M.Raju
14. K.Basuvalingam
15. M.Venkatesan
16. P.Baskar
17. S.Priyon
18. Mahendra.G.Patel
19. S.Latha
20. S.Sathish Kumar
21. M.Vikraman Nair
(Petitioners 6 to 21 are impleaded vide
order dated 22.12.2017 in W.M.P.No.35963 of 2017
in W.P.No.17898 of 1999)

...Petitioner

-vs-



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1. The State Government of Tamil Nadu
Rep. by Secretary to Government,
Transport Department,
Fort St.George,
Chennai - 600 009.
2. The Revenue Divisional Officer
cum Land Acquisition Officer,
Cuddalore - 607 001.
3. The State Express State Transport
Corporation rep. by its Chairman-
cum-Managing Director,
(formerly known as
Thiruvalluvar Transport Corporation),
Chennai - 600 002.
4. The Managing Director,
T.N.State Transport Corporation,
Villupuram Ltd, Villupuram.
(R4 impleaded vide order dated 07.06.2010
in W.M.P.No.119 of 2010 in W.P.No.17898 of 1999)

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration declaring that the entire Land Acquisition proceedings initiated under the Land Acquisition Act 1894 by issuing notice under Sec. 4(1) of the Act in G.O.Ms.No.1757, Transport dated 3.4.1990, declaration made under Section 6 of the Act in G.O.Ms.No.1716 Transport dated 16.04.1991 and the award dated 10.05.1993 in Award No.1/1993 with respect to 928 Sq.ft. and 377 sq.ft. of land comprised in T.S.No.204/2 belongs to 1st petitioner, 1316 sq.ft. of land comprised in T.S.No.203/2 and T.S.No.204/2 belongs to 2nd petitioner, 696 sq.ft. of lands comprised in 203/2 and 204/2 belongs to 3rd petitioner, 816 sq. ft. of land comprised in T.S.No.202/2 and 204/2 belongs to 4th petitioner, 640 sq.ft. of land comprised in T.S.No.203/2 belongs to 5th petitioner, 640 sq. ft., 512 sq.ft. and 546 sq.ft. of land comprised in T.S.No.203/2 and T.S.No.204/2 belongs to 6th petitioner, 512 sq. ft. of land comprised in T.S.No.203/2 belongs to 7th petitioner, 544 sq. ft. of land comprised in T.S.No.203/2 belongs to 8th petitioner, 512 sq.ft., and 960 sq.ft. of lands comprised in T.S.No.203/2 belongs to the 9th petitioner, 512 sq.ft. of land comprised in T.S.No.203/2 belongs to 10th petitioner, 512 sq.ft. of land comprised in T.S.No.203/2 belongs to 11th petitioner, 512 sq.ft. of land comprised in T.S.No.203/2 and 204/2 belongs to 12th petitioner, 512 sq.ft. of land comprised in T.S.No.203/2 and 204/2 belongs to 13th petitioner, 1587 sq.ft. comprised in T.S.No.204/2 and 2288 sq. ft. of land comprised in T.S.No.203/2



belongs to 14th petitioner, 512 sq.ft. of land comprised in T.S.No.203/2 belongs to 15th petitioner, 496 sq.ft. and 512 sq.ft. of land comprised in T.S.No.203/2 and 204/2 belongs to 16th petitioner totally 7.5 cents comprised in Ward No.6 Block No.8 Manjamkuppam Village, Cuddalore Taluk, South Arcot District, as lapsed in view of section 24(2) of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act30/2013).
(Prayer amended vide order dated 23.02.2018
in W.M.P.No.5108 of 2018 in W.P.No.17898 of 1999)

For Petitioners : Mr.P.Thilak Kumaran for P1 to P5
Mr.R.N.Amalnath for P6 to P21

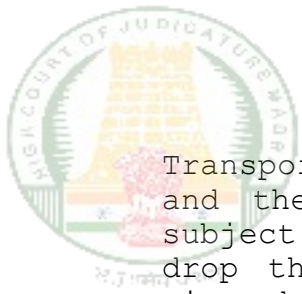
For Respondents : Mrs.P.Tamilselvi
Additional Government Pleader
for 1st Respondent and 2nd Respondent

Mr.G.Saranakumar for R3 and R4

O R D E R

This Writ Petition has been filed by the petitioners seeking for issuance of a Writ of Declaration declaring that the entire land Acquisition proceedings initiated under the Land Acquisition Act, 1894, by issuing Notification under Section 4 (1) of the Act in G.O.Ms.No.1757, Transport dated 3.4.1990, Declaration made under Section 6 of the Act in G.O.Ms.No.1716 Transport dated 16.04.1991 and the award dated 10.05.1993 in Award No.1/1993 with respect to the properties of the petitioners 6 to 21, as lapsed.

2.The case of the petitioners is that the petitioners 1 to 5 were owners of the properties comprised in T.S.Nos.203/2 and 204/2 situated at Pudupalayam Village, Cuddalore and the petitioners 6 to 21 are the subsequent purchasers of the above said disputed property. While so, the 1st respondent has initiated land acquisition proceedings as against the above said properties for the purpose of construction of Thiruvalluvar Transport Maintenance Depot. The Notification under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as 'old Act') was issued in G.O.M.S.No.1757, Transport Department, dated 03.04.1990 and the Declaration under Section 6 of the old Act was issued in G.O.Ms.No.1716, Transport Department, dated 16.04.1991 and an Award for the same was passed in Award No.1 of 1993, dated 10.05.1993. Aggrieved by the same, the first and second petitioners filed several Writ Petitions before this Court in the year 1993. When the said Writ Petitions are pending, the erstwhile Tiruvalluvar Transport Corporation, for whom the subject lands were sought to be acquired by the Government, were transferred into Dr. Puratchi Thalaivi



Transport Corporation, which was managed by the 3rd respondent, and they wrote a letter to the Government stating that the subject lands were not required and requested the Government to drop the said acquisition proceedings. Based on the assurance given by the officials, the petitioners 1 to 5, have withdrawn the above said Writ Petitions in the year 1997 and have subdivided the lands into plots and sold the same to petitioners 6 to 21. Thereafter, all of a sudden, the said Dr.Puratchi Thalaivi Transport Corporation attempted to trespass into the subject property. Immediately, the petitioners 1 to 5 filed the present Writ Petition challenging the acquisition proceedings.

3. This Court heard the submissions of the learned counsel for petitioners' 1 to 5.

4. The learned counsel appearing for the petitioners 6 to 21 submitted that, though the first respondent has initiated acquisition proceedings as against the above said properties in the year 1990 itself, for the purpose of construction of bus depot and the same was concluded in the year 1993, however, suppressing the above said facts the petitioners 1 to 5 have alienated the disputed property in favour of the petitioners 6 to 21. He further submitted that, though the requisitioning body intimated the acquiring authority that the purpose for which the land was acquired was no longer in existence and the lands are no more required for their alleged purpose, however, the proceedings were not withdrawn and the lands were not returned to the original owners. Further, it is pertinent to note that, till date, the physical possession of the above said lands were not taken and the petitioners 6 to 21 are in possession of the above said properties.

5. Thereafter the petitioners 6 to 21 made several representations to the first respondent seeking to drop the acquisition proceedings, but there was no response. Aggrieved by the said inaction, the petitioner 6 - 21 filed a Writ Petition before this Court in W.P.No.33896 of 2005. This Court, vide order dated 21.10.2005 passed interim order of injunction restraining the respondents 1 to 3 from interfering with the petitioners' possession and enjoyment over the properties and the said Writ Petition is pending. He further submitted that the petitioners 6 to 21 have purchased only a small portion of land from petitioners 1 to 5 for residential purpose. Further as per the Right to Fair Compensation in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (in short 'new Act'), the entire land acquisition proceedings under the old Act become lapsed, if the physical possession of the lands were not taken or the compensation is not paid in respect of the Award made, 5 years or more, prior to the commencement of the new Act. Hence the learned counsel prayed for appropriate orders.

6. The learned counsel appearing for the third and fourth



respondents submitted that the land acquisition Proceedings were initiated for the purpose of construction of Thiruvalluvar Bus Depot and the said lands were acquired after following the due procedures contemplated under the old Act and the possession of the acquired land was handed over to the State Express Transport Corporation Chennai / third respondent. Further, no solid proof was submitted by the petitioners 6 to 21 to show that they are the absolute owners of the disputed land. He further submitted that the land is very much required for the construction of Thiruvalluvar Transport Maintenance Depot. Hence, challenging the said land acquisition Proceedings after passing of the award and after a lapse of 6 years is untenable, as the land automatically vests with the Government once the Award is passed. Hence, he prays this Court for dismissal of the present Writ Petition.

7.The learned Additional Government Pleader appearing for first and second respondents reiterated the submissions made by the learned counsel appearing on behalf of the third and fourth respondents.

8.The learned counsel for the petitioners 6 to 21 fairly submitted that this Court may permit the petitioners 6 to 21 to make a representation before the first respondent under Section 48-B of the old Act.

9.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

10.Admittedly the land was acquired for the purpose of 3rd respondent Corporation for construction of Thiruvalluvar Transport Maintenance Depot in the year 1990 and subsequently Award was passed in the year 1993 itself. However, the present Writ petition is filed after a lapse of 6 years. It is equally not in dispute that, when once the Award is passed and amount is paid automatically the land vests with the Government.

11.In view of the above, this Court is not inclined to interfere with the proceedings initiated by the 1st respondent in favour of the 3rd respondent. At the same time, the petitioners 6 to 21 have purchased the property without knowing the process of the land acquisition proceedings. Hence, this Court grants permission to the petitioners 6 to 21 to file appropriate application under Section 48-B of the old Act before the first respondent. If such application is filed, the first respondent is directed to consider the same on merits, taking into consideration that the petitioners 6 to 21 have purchased the said land for residing purpose and if the said land is no longer required for the construction of Thiruvalluvar Transport Maintenance Depot, they pass appropriate orders in accordance with law as expeditiously as possible.



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12. With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rap/skt

To

1. The Secretary to Government,
The State Government of Tamil Nadu
Transport Department,
Fort St.George, Chennai - 600 009.
2. The Revenue Divisional Officer
cum Land Acquisition Officer,
Cuddalore - 607 001.
3. The Chairman-cum-Managing Director
The State Express State Transport Corporation
(formerly known as Thiruvalluvar Transport Corporation),
Chennai - 600 002.
4. The Managing Director,
T.N.State Transport Corporation,
Villupuram Ltd, Villupuram.

+1cc to Mr.G.Saravanakumar, Advocate, S.R.No.9571

W.P. No.17898 of 1999

RSI (CO)
RGA(10/06/2022)