



W.P.No.25327 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25327 of 2015

And

W.M.P.No.21000 of 2016

1.N.Hemraj Dugar
2.H.Gulab Devi Dugar
3.Jagdeep Dugar

... Petitioners

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary to Government,
Housing & Urban Development Dept.,
Fort St. George,
Chennai – 9.

2.The Tamil Nadu Housing Board,
Represented by its
Chairman & Managing Director,
Nandanam,
Anna Salai,
Chennai – 600 035.

3.The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Unit,
Tatabad,
Coimbatore – 12.

4.The Special Tahsildar (LA),
Housing Scheme Unit III,
Tatabad,
Coimbatore – 12.

... Respondents



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WEB COPY **Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, in respect of the lands of an extent of 2.15 acres comprised in Survey Nos.77/2 situated at Veerakeralam Village, Coimbatore, belonging to the petitioners as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

For Petitioners : M/s.R.N.Amarnath
For Respondents : Mr.U.Baranidharan for R1 and R4
Additional Government Pleader
Mr.D.Murugan for R2 and R3
Standing Counsel for TNHB

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894, in respect of the lands of an extent of 2.15 acres comprised in Survey Nos.77/2 situated at Veerakeralam Village, Coimbatore, belonging to the petitioners as lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013).



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2.The learned counsel appearing for the petitioners submitted that in order to avail the benefit under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioners have filed this writ petition, however, subsequently, the Housing Scheme itself was abandoned and the lands acquired were leased in favour of land owners. Hence, this Court may grant liberty to the petitioners to approach the Government for appropriate relief.

3.Considering the limited request made by the learned counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioners to work out the remedy in the manner known to law.

4.This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

10.10.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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M.DHANDAPANI,J.
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To

- 1.The Secretary to Government,
Housing & Urban Development Dept.,
Fort St. George,
Chennai – 9.
- 2.The Chairman & Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Anna Salai,
Chennai – 600 035.
- 3.The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Unit,
Tatabad,
Coimbatore – 12.
- 4.The Special Tahsildar (LA),
Housing Scheme Unit III,
Tatabad,
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Today, this writ petition is listed under the caption “for Being Mentioned” at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that the above writ petition was disposed on 10.10.2022 and in the second, third and fourth paragraphs of the order passed by this Court is as follows:

“ 2. The learned counsel appearing for the petitioners submitted that inorder to avail the benefit under Section 24(2) of the Right to Fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act,2013, the petitioners have filed this writ petition, however, subsequently the Housing Scheme itself was abandoned and the lands acquired were leased in favour of land owner. Hence this Court may grant liberty to the petitioner to approach the Government for appropriate relief.”

3. Considering the limited request made by the learned counsel appearing for the petitioners,this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioners to work out the remedy in the manner known to law.

4. The writ petition is accordingly disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.



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3. Today when the matter is taken up for hearing the learned counsel for the petitioners submitted that they have purchased the land on 28.10.2010 whereas the notification for acquisition was issued in the year 1985 and the award was passed on 30.01.1987. Therefore they cannot avail the benefit under Section 24(2) of the Right to Fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 as the petitioners are subsequent purchasers of the land and they cannot approach the Government for appropriate relief.

4. Consider the aforesaid submissions, paragraph Nos.2, 3 and 4 of the order dated 10.10.2022 made in W.P.No.25327 of 2015 are substituted with the following paragraphs.

“2. Considering the facts of the case even though the writ petition was filed for availing the benefit under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013, though the Housing Scheme itself was abandoned however the petitioners are the subsequent purchasers of the subject land and therefore in view of the decision in



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W.a.Nos.1204,1209,1210 etc., dated 09.06.2022,
they cannot avail the benefit under Section 24(2) of
the Right to Fair compensation and Transparency in
Land Acquisition and Resettlement Act, 2013.

3. This Court while dealing with the similar
issue in a batch of matters in
W.A.Nos.1204,1209,1210,etc., dated 09.06.2022
has held as follows:

*8. In the light of the ratio
propounded by the Apex Court on the
issue, so far as the writ petitioners are
concerned, they have no right to
challenge the award issued in the year
1994, on the ground that it was after
two years of the Declaration under
Section 6 of the Act of 1894, having
purchased the land much subsequent
to the notification issued under Section
4(1) of the Act of 1894.*

4. In view of the above, this writ petition is dismissed.

No Costs. Consequently, the connected miscellaneous



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petition is closed.

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4. All other observations in the order dated 10.10.2022 made in W.P.No.25327 of 2015 shall remain intact. Registry is directed to carry out the necessary corrections and re-issue copy of the order.

02.11.2022

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