



W.P.No.4440 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.4440 of 2015
and M.P.No.1 of 2015
and W.M.P.Nos.4775 & 11142 of 2022**

1.R.Thiruvengadam

2.R.Mangaiyarkarasi

...Petitioners

Versus

1.The Collector,
Villupuram District,
Villupuram.

2.The Special Tahsildar,
Adi-Dravidar Welfare Department,
Taluk Office,
Kallakurichi,
Villupuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of declaration declaring the acquisition of lands noticed in Part 65-A of the Villupuram District Gazette (Extraordinary) dated 16.12.1997 admeasuring 0.85 cents in S.No.19/3 and 0.56



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Cents in S.No.19/6C in Odiyanthal village, Sankarapuram Taluk and Villupuram District shall stand lapsed.

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For Petitioners : Mr.R.Balasubramaniam
For Respondents : Ms.C.Sangamithirai,
Special Government Pleader

ORDER

The relief sought by the petitioner in this writ petition is to declare the acquisition of lands noticed in Part 65-A of the Villupuram District Gazette (Extra-ordinary) dated 16.12.1997 admeasuring 0.85 cents in S.No.19/3 and 0.56 cents in S.No.19/6C in Odiyanthal Village, Sankarapuram Taluk and Villupuram District shall stand lapsed.

2. The petitioners herein are son and mother of one Mr.V.Ranganathan. The said Ranganathan owned 0.85 cents of land in S.No.19/3 and 0.56 cents of land in S.No.19/6C in Odiyanthal Village, Sankarapuram Taluk, Villupuram District. The said lands are highly fertile lands. While so, the respondents have issued a Notice dated 09.07.1996 under Section 4(2) of the Tamil Nadu Acquisition of Lands for Harijans Welfare Schemes Act, 1978 (hereinafter referred to as 'Act 1978') to the



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petitioner's father. After the receipt of such notice, the said Ranganathan sent his objections. The Special Tahsildar, Sankarapuram conducted an enquiry under Section 4(2) of the Act 1978. The respondents overruled the objections raised by first petitioner's father and ordered for acquisition of said lands. The award was also passed on 28.09.1998. Aggrieved over the act of the respondents, the said Ranganathan had filed a writ petition in W.P.No.4162 of 1998 before this Court praying to call for the records pertaining to Section 4(1) Notification issued by the first respondent in Villupuram District Gazette dated 16.12.1997 insofar as it relates to the acquisition of lands comprised in Survey No.19/3 and 19/6C, initiated in Odiyanthal Village, Sankarapuram Taluk, Villupuram District and quash the same. However, the said writ petition was dismissed by this Court on 09.06.2008. Challenging the said dismissal order, the said Ranganathan preferred a writ appeal in W.A.No.1814 of 2009, however, the same also came to be dismissed on 15.12.2009. According to the petitioners, though the award for acquisition of subject lands was passed as early as in the year 1998, till date, the respondents have neither taken physical possession of the acquired lands nor paid compensation to them. Hence, the aggrieved petitioners have filed the present writ petition before this Court for the relief



stated *supra*.

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3. The learned counsel for the petitioners submitted that in this case, the land of said Ranganathan was acquired by the Government in the year 1997 and the award was passed in the year 1998, but, till date, the respondents have not yet taken possession of the acquired lands and also, not yet paid or deposited the compensation to the petitioners for the acquired lands. Therefore, left with no other alternative, the petitioners have filed the present writ petition praying to declare the acquisition proceedings in respect of the subject lands have been lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act 2013 (hereinafter referred to as 'Act 2013').

4. *Per Contra*, the learned Special Government Pleader appearing for the respondents contended that the acquisition proceedings have not been lapsed since the physical possession of the acquired lands was taken by the Government on 28.09.1998 i.e., the date on which the award was passed. That apart, the name of the acquired lands was also changed as Adidravidar Colony Natham. She further contended that since the land owner was not



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willing to come forward and receive the compensation amount, the award amount was deposited in the Revenue Deposit. If the land owner wants the compensation amount, he may get the same by way of filing necessary petition before the Authorities concerned. Even if the land owner is not satisfied with the award amount, he may file an appropriate petition before the Sub Court for higher compensation. Therefore, this writ petition is not at all maintainable.

5. In view of the above submission made by the learned Special Government Pleader appearing for the respondents, the learned counsel for petitioners prayed this Court to grant liberty to the petitioners to file an appeal for enhancement of compensation as per terms of Section 9 of the Act 1978, before the competent Civil Court. He further submitted that though the appeal against the award of compensation was filed within a period of six weeks from the date of receipt of a copy of the award, however, as on date, the copy of the award was not furnished to the land owner. Therefore, the learned counsel prayed this Court to direct the respondents to furnish a copy of the award to the petitioners so as to enable them to file a suit before the competent Civil Court, for enhancement of compensation.



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

7. From a perusal of the materials available on record, it is seen that the Government had acquired the subject lands in the year 1997 and the award was passed on 28.09.1998. It is also seen that the Government had taken possession of the acquired lands from the petitioners on the very same date which the award was passed and the respondents had also deposited the compensation amount in the Revenue Deposit. However, till date, the petitioners did not come forward to receive the compensation amount awarded by the respondents.

8. The land acquisition proceedings initiated under Section 4(1) Notification would be lapsed under Section 24(2) of the Act 2013, only if the respondents have neither taken physical possession of the subject lands nor paid compensation to the petitioners, but, in this case, the respondents had taken possession of the acquired lands from the petitioners and also, paid compensation amount to the petitioners. Therefore, the petitioners have



no *locus standi* to claim that the land acquisition proceedings initiated under Section 4(1) Notification has lapsed under Section 24(2) of Act 2013.

9. For the foregoing reasons, this Court cannot grant the relief sought by the petitioners in this writ petition. However, considering the request made by the learned counsel for petitioners in respect of granting liberty to the petitioners to file a suit before the competent Civil Court, for enhancement of compensation, this Court is inclined to issue the following directions:

(i) The respondents shall disburse the compensation amount to the petitioners with applicable interest and furnish them a copy of the Award dated 28.09.1998, within a period of six weeks from the date of receipt of a copy of this order.

(ii) On receipt of such copy of the Award, the petitioners are at liberty to file a suit under Section 9 of the Act 1978, before the competent Civil Court, for enhancement of compensation.

(iii) On such suit being filed, the competent Civil Court shall decide the issue and pass appropriate orders, on merits and in accordance with law,



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as expeditiously as possible, without raising any issue as regards the limitation aspect.

10. In the result, this writ petition is dismissed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

Copy to

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M.DHANDAPANI, J.

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