



W.P.No.39318 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.39318 of 2016

And

W.M.P.No.33648 of 2016

- 1.Gopala Krishnan
- 2.Soundararajan
- 3.Arunachalam
- 4.Senthil Nadhan

... Petitioners

Vs.

- 1.The Secretary to Government
Adi Dravidar Tribal Welfare Department,
Fort St.George,
Chennai – 600 009.
- 2.The Special Tahsildar,
ADW Acquisition Officer,
Thirupathur,
Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring the Land Acquisition proceedings initiated by the respondents in G.O.Ms.No.1920 dated 30.09.1989 in survey No.L686/1H with an extend of 26.5 Hectares at Gowthamapet Village, Thirupathur Taluk deemed to have lapsed by virtue of the



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section 24(2) of "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013."

For Petitioners : M/s.D.Rajagopal
For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Declaration declaring the Land Acquisition proceedings initiated by the respondents in G.O.Ms.No.1920, dated 30.09.1989, in Survey No.L686/1H with an extent of 26.5 Hectares at Gowthamapet Village, Thirupathur Taluk, deemed to have lapsed by virtue of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2.The case of the petitioners is that the petitioners are the owners of the subject land. The respondents proposed to acquire the subject land for the purpose of providing house sites to the Adi Dravidar of Thiruthimedu Village in G.O.Ms.No.1920, dated 30.09.1989 and award was passed during the year 2000. However, till the date of filing of this writ petition, the award amount was not paid to the petitioners and possession was not taken by the respondents. Hence, the petitioners have filed this writ petition for the aforesaid relief.

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3.The learned counsel appearing for the petitioners submitted that on the basis of the representation made by the first petitioner under the Right To Information Act with regard to the compensation amount, the second respondent has replied that the compensation amount has been deposited under 8443, Civil Deposit, 103 Revenue Deposit (State) on 17.03.2004. Hence, this Court may issue direction to the respondents to re-validate the compensation amount and to pay the same to the petitioners with applicable interest, within a reasonable time frame.

4.The learned Additional Government Pleader appearing for the respondents submitted that already the land was acquired by the respondents and allotted in favour of the beneficiaries and the compensation amount has also been deposited. He further submitted that the compensation amount will be paid to the petitioners within a reasonable time frame.

5.Heard the arguments advanced on either side and perused the materials available on record.



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6.The facts in the present case is not in dispute. The petitioners have filed this writ petition in order to avail the benefit of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on the ground that though award was passed during the year 2000, till the date of filing of this writ petition, the award amount was not paid to the petitioners and possession was not taken by the respondents.

7.The issue involved in this writ petition has already been considered by the Hon'ble Apex Court in its decision reported in **(2020) 8 SCC 129 [Indore Development Authority Vs. Manoharlal and Others]**, the relevant portion of which reads as follows:

"366.3.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 2013 Act 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



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possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse."

8.Perusal of the above cited decision makes it clear that lapse of land acquisition proceedings under Section 24(2) of the Act 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 paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

9.In the present case, the information received from the second respondent under the Right To Information Act reveals that the compensation amount has been deposited under 8443, Civil Deposit, 103 Revenue Deposit (State) on 17.03.2004. Hence, the prayer sought for in this writ petition cannot be considered. Further the possession of the land was taken and handed over to the beneficiaries.



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10.However, considering the limited request now made by the learned counsel appearing for the petitioners, this Court directs the respondents to pay the compensation amount to the petitioners with applicable interest, under The Land Acquisition Act, 1984/ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of twelve weeks from the date of receipt of a copy of this order.

11.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

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

To

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Chennai – 600 009.

2.The Special Tahsildar,
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