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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.30648 of 2014

and

M.P.No.1 of 2014

1.C.Mohanasundaram

2.Pongiammal

... Petitioners

vs.

1. State of Tamil Nadu
Rep. by its Principal Secretary,
Housing & Urban Development Department
Secretariat, Chennai - 600009.

2. The District Collector,
Erode District, Erode.

3. The Revenue Divisional Officer/
Land Acquisition Officer, Erode.

4. The Tamil Nadu Housing Board,
Rep by its Managing Director,
Nandanam, Chennai - 600 035.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the entire land acquisition proceedings initiation in R.S.No.761/4, 761/5 and 761/6, Erode Village, Erode Taluk belong to the petitioners as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioners : Mr.Naveen Kumar Murthi
for Mr.G.V.Mohan Kumar

For R1 to R3 : Mr.M.Muthusamy
Government Advocate

For R4 : Mr.I.Sathish
Standing Counsel



ORDER

This writ petition has been filed to issue a Writ of Declaration, declaring that the entire land acquisition proceedings initiation in R.S.No.761/4, 761/5 and 761/6, Erode Village, Erode Taluk belong to the petitioners as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Though the petitioner challenged the acquisition proceedings in respect of the land comprised in R.S.Nos.761/4, 761/5 and 761/6 situated at Erode Village, Erode Taluk on the ground that no physical possession has been taken over and no compensation amount has been deposited and as such, the acquisition proceedings have been lapsed in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. The learned counsel for the petitioners submitted that in view of the judgement passed by the Hon'ble Supreme Court of India reported in (2020) 8 SCC 129 in the case of Indore Development Authority Vs. Manoharlal and ors etc., he restricted the prayer for re-conveyance of the subject property, since the petitioner is still in possession and enjoyment of the subject property. He further submitted that as per the information received under the Right to Information Act, 2005 the subject land has not been utilised so far for the purpose in which it was acquired.

4. Considering the above submission, the petitioners are directed to submit representation for re-conveyance of the subject property before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent is directed to conduct enquiry and after giving opportunity of hearing to the petitioners, pass order on merits and in accordance with law, within a period of twelve weeks, thereafter. In the meanwhile, if the physical possession has not been taken over in respect of the land comprised in R.S.Nos.761/4, 761/5 and 761/6 situated at Erode Village, Erode Taluk from the petitioners, their physical possession shall not be disturbed, till the disposal of the representation.



5. With the above directions, this writ petition is disposed of. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Principal Secretary,
Housing & Urban Development Department
Secretariat, Chennai - 600009.
2. The District Collector,
Erode District, Erode.
3. The Revenue Divisional Officer/
Land Acquisition Officer, Erode.
4. The Managing Director,
The Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

+2ccs to Mr.G.V.Mohan Kumar, Advocate SR. No.6966

+1cc to Government Pleader SR. No.7712

+1cc to Mr.I.Sathish, Advocate SR. No.7060

W.P.No.30648 of 2014

KK (CO)

PR (23/02/2022)