



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17594 of 2014

in

W.M.P.Nos.1 of 2014 & 3150 of 2018

Mr. M. Kishanlal

...Petitioner

Vs

1. The Secretary
Government of Tamil Nadu
Revenue Department
Fort St.George,
Chennai-600 009.
2. The District Collector,
Thiruvallur District.
3. The Revenue Divisional Officer,
(Land Acquisition)
Nehru Road, Thiruvallur.
4. The Tahsildar,
Thiruvallur Taluk,
Jawaharlal Nehru Road,
Thiruvallur.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration declaring the entire land acquisition proceedings issued in 4(1) Notification made in G.O.Ms.No.496 Revenue Department dated 12.06.1998 in respect of petitioner's land measuring 33 cents in S.No.247/1 and 247/2, Perumbakkam Village, Thiruvallur Taluk and District is lapsed by virtue of Section 24(2) of the (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(No.30/2013)).

For Petitioner ... M/s.A.Paramasivam

For Respondents ... Mr. P. Sathish
Additional Government Pleader



O R D E R

The present petition has been filed seeking to declare the entire land acquisition proceedings issued in 4(1) Notification made in G.O.Ms.No.496 Revenue Department dated 12.06.1998 in respect of petitioner's land as lapsed in terms of Section 24(2) of the (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30/2013), in respect of the petitioner's property.

2. The case of the petitioner is that he had purchased the subject land in the year 1997 by way of a registered sale deed dated 05.12.1997. The said land was acquired, invoking the urgency clause under Section 17(1) of the Land Acquisition Act, 1894 in G.O.No.496, Revenue Department dated 12.06.1998 vide notification issued under Section 4(1) of the Act followed by a Declaration issued under Section 6 of the Act and thereafter, the award was also passed on 19.07.1990. Though the said lands were acquired, however, till date, the physical possession of the said land was not taken. Challenging the notification issued under Section 4(1) of the Act, the petitioner filed a series of Writ Petitions, however, all those petitions including Writ Appeal were dismissed. Once again challenging the Acquisition, the petitioner has come up with this Writ Petition.

3. Learned Counsel for the petitioner submits that though the subject lands were acquired in the year 1998 under the impugned notification, however, even after a lapse of two decades, till date, the physical possession has not been taken by the Government. The grievance of the petitioner is that neither the compensation towards the acquisition was paid as per Section 31(2) of the Act nor the physical possession has been taken. In view of the above, this Court may in the interest of justice, grant relief to the petitioner as sought for in this Writ Petition.

4. Per contra, learned Additional Government Pleader appearing for the Respondents submits that subsequent to the Acquisition, 80% of the compensation amount was deposited in the Revenue Deposit due to failure on the part of the petitioner to appear on the date of enquiry and submit the relevant documents. Therefore, the petitioner's claim with regard to deposit of compensation in contravention of Section 31(2) of the Act, is wholly unsustainable. Further, the physical possession was also taken by the Government and in view of the same, the benefit under Section 24(2) of the Act is not applicable to the petitioner herein. Hence, the prayer sought for in this Writ Petition cannot be acceded to and this Writ Petition deserves to be dismissed.



5.This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6.The facts in the present case are not in dispute. The petitioner is the owner of the subject property which was acquired by the Government under the Land Acquisition Act. Thereafter, the award was passed. However, inspite of the notice, the petitioner turn up for the enquiry nor made any attempt to receive the compensation or seek for enhancement of compensation. It is submitted that possession was also taken by the Government and the scheme is also being implemented.

7.In the case on hand, the claim of the petitioner is that, subsequent to the Acquisition, neither the compensation was paid nor the physical possession was taken is not substantiated and further, the non-appearance of the petitioner has resulted in compensation being made as revenue deposit which cannot be put against the respondent. Further, the compensation having been deposited and possession also having been taken, the question of invoking of Section 24(2) does not arise. Further the delay on the part of the petitioner in filing the present petition also is detrimental to his claim. Further, it is not the case of the petitioner that the subject land have been utilized for any other purpose other than the one for which it was acquired. The petition being one in the series of petitions filed, no relief can be granted as the previous attempts for the very same relief ended in futility.

8.For all the reasonings aforesaid, the petition is devoid of merits and the same is liable to be dismissed both on the ground of delay and laches and also on the ground of non-availability of the benefit u/s Section 24 (2) of the Act. Accordingly this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Secretary
Government of Tamil Nadu
Revenue Department
Fort St.George,
Chennai-600 009.



2. The District Collector,
Thiruvallur District.

3. The Revenue Divisional Officer, (Land Acquisition)
Nehru Road, Thiruvallur.

4. The Tahsildar,
Thiruvallur Taluk,
Jawaharlal Nehru Road,
Thiruvallur.

+1cc to Mr.A.Paramasivam, Advocate, S.R.No.21319

+1cc to the Government Pleader, S.R.No.21710

W.P.No.17594 of 2014

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