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W.A. Nos.2746 and 2747 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

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THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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W.A.No.2746 of 2022

1 K.Muthukumar
2 R.Rajendran
3 T.Jayashankar
4 V.Soundararajan
5 G.Subramanian
6 S.Velusamy
7 R.Gunarajan
8 M.Santhamani
9 C.Sasikala

... Appellants

Vs

1 The State of Tamil Nadu
Rep. by its Secretary to Government
Industries Department
Fort St.George, Chennai 09

2 Tamil Nadu Industrial Development Corporation
Rep. by its Managing Director
No. 19-A Rukmani Lakshmipathy Road
Egmore Chennai 08



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- 3 Tamil Nadu Cements Corporation
Rep. by its Managing Director
Aavin Illam, Nandanam Chennai 35
- 4 The District Collector, Tiruppur District
- 5 The Sub collector/ Revenue Divisional Officer,
Tiruppur
- 6 The Thasildar
Udumalaipettai Taluk Tiruppur District
(Formerly Spl. Thasildaar (Gypsum)
Pollachi Taluk Coimbatore District ... Respondents

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- 1 P.Soundararaj
- 2 G.Rajendran
- 3 V. Sathishkumar
- 4 G.Dhamodaran
- 5 D.Balasundaram
- 6 V.Maheshgiri
- 7 V.Soundararaj
- 8 R.Soundarrajan
- 9 K.Chandrasekar
- 10 G.Ramasamy ... Appellants

Vs

- 1 The State of Tamil Nadu
Rep.by its Chief Secretary to Government
Fort St. George, Chennai - 600 009
- 2 The Secretary to Government
Industries Department
Fort St. George, Chennai-9



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3 The Chairman
Tamil Nadu Cements Corporation Ltd.
L.L.A.Building, 735
Anna Salai, Chennai-02

4 N.Babu Rajendran

... Respondents

Prayer: Writ appeals filed under Clause 15 of the Letters Patent to set aside the order dated 08.09.2022 in WP Nos.19564 of 2022 and 13810 of 2019.

For the Appellants :: Mr.N.Subramanian,
for Mr.D.Raghu

For the Respondents :: Mr.P.Muthukumar,
State Government Pleader,
for respondents 1, 4, 5 and 6

Mr.A.Sivaji,
for the third respondent

COMMON JUDGMENT

(Made by the Hon'ble Acting Chief Justice)

These appeals are directed against the common order dated 08.09.2022 in WP Nos.19564 of 2022 and 13810 of 2019, wherein the learned Single Judge has held that once the award amount has been deposited, disbursed in favour of the appellants and the appellants have also accepted the same without any protest, there is no lapse under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Therefore, the prayer made by the appellants for a



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Writ of Mandamus directing the official respondents to treat the acquisition of lands mentioned in the notice under Section 4(1) of the Tamil Nadu Land Acquisition Act, as lapsed by operation of Section 24 of 2013, Central Act; and the another prayer for re-conveyance being negatived, in our considered opinion, is in order.

2. The learned counsel for the appellants would submit that the appellants are the owners of the agricultural lands situated at Pudupalayam Village, Udumalpet Taluk, Coimbatore District. Their lands were sought to be acquired by the Government of Tamil Nadu for the purpose of mining/ extracting gypsum by the Tamil Nadu Industrial Development Corporation, Madras during the year 1972. In that regard, notifications under Section 4(1) of the Tamil Nadu Land Encroachment Act were issued on 01.03.1978 in G.O.Ms. No.789 of 1972. Thereafter, awards were passed by the Tamil Nadu Industrial Development Corporation, Madras, to an extent of 11.98 acres in the appellants' village and patta was also issued in patta No.67. After the formation of the Tamil Nadu Cements Corporation Ltd.(TANCEM), the subject properties were transferred from Tamil Nadu Industrial Development Corporation Madras to TANCEM, as per G.O.Ms.No.1224, Revenue Department



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dated 26.05.1981. The grievance of the appellants is that TANCEM has relinquished the acquired lands, as the lands were not required by them for the purpose for which it was acquired. Hence, the appellants made representations to the respondents seeking re-conveyance of the lands under Section 48(B) of the Land Acquisition (Tamil Nadu Amendment) Act. Since there was no response from the respondents, writ petitions were filed by the appellants.

3. The learned Single Judge dismissed the writ petitions holding that after the lands belonging to the appellants were acquired, by following due process of law and the award amount was also deposited and disbursed in favour of the appellants, there was no lapse under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. The learned counsel for the appellants contended that the findings and conclusions reached by the learned Single Judge are untenable and unsustainable. Referring to the Section 114 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,



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2013, learned counsel argued that Section 6 of the General Clauses Act would apply to the case of the appellants and this aspect has not been properly appreciated by the learned Single Judge.

5. We do not agree with the arguments of the learned counsel for the appellants. The appellants have not highlighted any procedural flaw by the official respondents while acquiring the lands. The only grievance of the appellants is that the purpose for which the lands were acquired, viz., extraction of gypsum, is not undertaken by TANCEM and indeed, TANCEM has relinquished its rights over the acquired lands. However, it is seen that notice under Section 4(1) of the Act was issued, and after following the procedures contemplated under the Land Acquisition Act, 1905, award was passed and compensation amount was also deposited. The appellants have also received and accepted the compensation without any protest whatsoever, way back in the year 1973, which is nearly fifty years ago. Having received the award amount, the appellants are estopped from seeking re-conveyance of the lands. That lands were given to TANCEM is not going to affect the rights of the appellants in any way, since due process of law was followed while acquiring their lands.



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6. For the above reasons, we do not find any merits in the argument advanced by learned counsel for the appellants. The writ appeals fail and they are dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
23.12.2022

Index: Yes/No
tar

To

- 1 The Secretary to Government
Industries Department, Fort St.George, Chennai 09
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