



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.08.2022

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27680 of 2017
and WMP.No.27633 of 2017

D.Suresh Raju

... petitioner

-Vs-

1. The Secretary,
Industries Department,
Government of Tamil Nadu,
Secretariat, chennai-9.

2. The Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.

3. The District Collector,
Thiruvallur District,
Thiruvallur.

4. The Special Tahsildar (LA)
Aromatic Complex CPCL,
62/1 East Jones Road, Saidapet,
Chennai-15.

5. The Chairman,
Chennai Petroleum Corporation Ltd.,
536, Anna Salai, Chennai-18.

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of declaring that the entire Land Acquisition Proceedings initiated under Section 4(1) of Act in G.O.Ms. No.1197 Industries (MID I) dated 1.11.1990 vide Tami Nadu Government Gazette Publication No.45-A dated 14.11.1990 followed by Section 6 declaration under Government Letter No.63080/ MID-1/91-1 Industries (MID.1) dated 16.3.1992 published in Tamil Nadu Government Gazette Publication No.15A dated 15.4.1992 and Award No.7/1993 in R.C.344/ 90/A dated 21.6.1993 under the Land acquisition Act 1894 shall be deemed to have been lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 i.e the Central Act 30 of 2013 in respect of the petitioner's property situated in S.No.4628 in Manali (Amullavoyal Village) ad-measuring to an extent of 2808 sq.ft. Previously Saidapet Taluk now Gummudipoondi Taluk, Previously Chengalpet Jilla now Thiruvallur District and Consequently direct the respondents to mutate the revenue records and issued patta in favour of the petitioner within time stipulated by this Court.

For petitioner : Mr. A.R.Balaji

For M/s.B.Vijay

For Respondents : Mr. G.Krishna Raja, AGP RR1 to 4 & 6
Mr.R.Senthilkumar R5

ORDER

The writ petition has been filed for declaring the land acquisition proceedings under which the petitioners land were acquired as lapsed and hand over the said lands to the petitioner.



2. It is the case of the petitioner that the petitioner is the owner of the property in S.No.46/28 situated in Amullavoyal village, previously Saidapet Taluk Now Gummudipoondi Taluk measuring an extent of 2808 sq.ft. And the same was purchased in the year 1987 vide document No.5300 of 1987. The said land was acquired for setting up an Aromatic complex and other petro-based downstream projects, for which, 4(1) notification was issued in the year 1990 by invoking urgency clause and thereafter, 6th declaration was issued in the year 1992. After depositing 80% of the compensation amount, an award was passed on 21.06.1993. However, entire compensation amount was deposited in the revenue deposit and the same was not revalidated. Even today, the compensation was not paid to the petitioner and therefore, the petitioner has filed the present writ petition before this court.

3. Learned counsel for the petitioner submitted that though the possession was taken from the petitioner for the purpose of setting up an Aromatic complex in the year 1993. However, no compensation amount was paid to the petitioner so far and hence, the entire acquisition proceedings are lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013



(hereinafter referred to as Act) Therefore, the learned counsel prays to hand over the petitioner's property which was acquired by the Government and consequently, direct the respondents to mutate the revenue records and issue patta in favour of the petitioner.

4. Learned Additional Government Pleader submitted that the writ petition has become infructuous due to the fact that the land was entirely taken possession and presently under the control of CPCL petroleum refinery units and the petitioner's representation for re-validate of revenue deposit of Rs.2604/- is under process and the compensation will be paid as early as possible and since the entire land of 942 acres was acquired including the petitioners land of 2808 sq.ft. in the year 1993 by Land acquisition Act 1894 and possession was handed over to the Chennai Petroleum Corporation Limited and hence, the question of mutation of revenue records to issue patta in the name of the petitioner does not arise. The learned counsel prays to dismiss the writ petition.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing on behalf of the respondents and perused the materials available on record.



6. The facts of the case are not in dispute. Admittedly, the petitioners land was acquired for public purpose. It is admitted fact that the petitioner's possession was taken and handed over to the Chennai Petroleum Corporation Limited in the year 1993 itself for implementing the above said project. The grievance of the petitioner is that the compensation amount has not paid to the petitioner so far and he is entitled to get compensation for the acquired land. The learned counsel for the petitioner submitted that as per Section 24 of the new Act, if the land acquisition proceeding initiated under the old Act and compensation was not paid to the land owners, the entire acquisition proceedings are automatically lapsed.

7. For better appreciation, Section 24 of the Act is extracted hereunder :-

"24. Land acquisition process under Act No.1 of 1894 shall be deemed to have lapsed in certain cases : - (1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the [Land Acquisition Act, 1894 \(1 of 1894\)](#), -

(a) where no award under [Section 11](#) of the said [Land Acquisition Act](#) has been made, then all provisions of this Act relating to the determination of compensation shall apply; or



(b) where an award under said [Section 11](#) has been made, then such proceedings shall continue under the provisions of the said land [Acquisition Act](#), as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub- section (1), in case of land acquisition proceedings initiated under the [Land Acquisition Act](#), 1894 (1 of 1894), whereas award under the said [Section 11](#) has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under [Section 4](#) of the said [Land Acquisition Act](#), shall be entitled to compensation in accordance with the provisions of this Act."

8. On perusal of the above said provisions, makes it clear that where an award under said Section 11 has been made, then such proceedings shall continue under the provisions of the said land Acquisition Act, 1894 as if the said Act has



not been repealed.

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9. In the present case on hand, an award was passed in the year 1993 itself and the compensation has been kept in the revenue deposit and the petitioner is entitled to withdraw the said amount. But the petitioner has not approached the respondents since 1993 for withdrawal of the compensation. The representation has given by the petitioner only after two decades. Since the revenue deposit already lapsed and the same should be revalidated by the Government after issuance of the G.O. The Government Counsel submitted that the entire acquired lands of 942 acres including the petitioner's land, was handed over to the Chennai Petroleum Corporation Limited for the above said project and the representation for re-validate of revenue deposit is under process and the Revenue Deposit amount will be paid to the petitioner as early as possible.

10. In view of the above discussion, this Court is inclined to issue a direction to the respondents to disburse the compensation amount to the petitioner and also issue the copy of the award to him within a period of twelve weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved with the compensation amount, liberty is granted to him to work out his remedy



in the manner known to law.

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11. With the above directions, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is also closed.

29.08.2022

Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

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M.DHANDAPANI, J.

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