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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.34202 of 2018
and
W.M.P.No.39732 of 2018

M.Arumugha Reddiar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Commissioner and Secretary,
Housing and Urban Development Department,
Chennai - 9.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Special Thasildar,
(Land Acquisition),
Highways, World Bank Project,
Chennai.
4. The Divisional Engineer (Highways)
Tamil Nadu Urban Development Project,
Division - I, Saidapet, Chennai - 600015.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the entire land acquisition proceedings initiated under the Land Acquisition Act, 1984, in respect of the land, which is subdivided into 6 plots, bearing Survey No.151/1A1A1A measuring about 0.33 cents of Korattur Village, Ambattur Taluk, Thiruvallur District (Earlier Saidapet Taluk, Chennai MGR District) belonging to the petitioner, as lapsed in view of "Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013" (Act 30/2013).

For Petitioner : Mr.Y.Micheal Raj

For Respondents : Mr.M.Muthusamy
Government Advocate



O R D E R

This writ petition has been filed to issue a Writ of Declaration, declaring that the entire land acquisition proceedings initiated under the Land Acquisition Act, 1894 (hereinafter referred to as the 'Act' for short) in respect of the land, which is subdivided into 6 plots, bearing Survey No.151/1A1A1A measuring to an extent of 0.33 cents of Korattur Village, Ambattur Taluk, Thiruvallur District (Earlier Saidapet Taluk, Chennai MGR District) belonging to the petitioner, as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

2. The case of the petitioner is that the petitioner had purchased 6 plots by way of two sale deeds dated 13.12.2007 and 18.01.2012 registered vide Document Nos.4431 of 2007 and 175 of 2012 respectively. After purchase of the said lands from one Venkateswaralu, while applying for 'No Objection Certificate (NOC)' from the Ambattur Municipality for construction, it was refused for the reason that the lands comprised in S.No.151/1A1A1A ad-measuring 33 cents is under land acquisition proceedings and award has been passed in A.No.1 of 1987. Originally the said lands were subjected to land acquisition proceedings along with other lands in that locality initiated under urgency Clause of the Act by the 1st respondent for the purpose of formation of 200 feet inner ring road alignment under World Bank Project Scheme.

3. Thereafter, the notification under Section 4(1) of the Act came to be issued in G.O.Ms.No.706 (Housing and Urban Development Department) dated 31.07.1984. Subsequently, the declaration notification under Section 6 of the Act came to be made in G.O.Ms.No.486 (Housing and Urban Development Department) dated 16.05.1985. Thereafter, the award was passed in A.No.1/1987 dated 09.01.1987. Though the award was passed on 09.01.1987, the possession of the subject properties have not been taken over, even till today. However, the subject lands belonged to the petitioner's predecessors-in-title were not at all acquired and their names did not find place in any of the notifications issued under various provisions of the Act.

4. In fact, the 4th respondent issued 'No Objection Certificate (NOC)' in the year 1995 itself in respect of the subject properties for installing petrol bunk and still it is running. In fact, the vendor of the petitioner filed writ petitions in W.P.Nos.6665 and 6666 of 1995, challenging the acquisition proceedings on several grounds. Though at the time of admission of the said writ petitions, interim order was passed and subsequently this Court observed that title is denied by the respondents in their counter and as such, suggested to file suit for declaration of title rather than agitating the rights before this Court. Therefore, the vendors



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8. In view of the above, if any acquisition proceedings initiated in respect of the land comprised in S.No.151/1A1A1A measuring to an extent of 0.33 cents situated at Korattur Village, Ambattur Taluk, Thiruvallur District, the entire land acquisition proceedings have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



9. Accordingly, the writ petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

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Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner and Secretary,
State of TamilNadu,
Housing and Urban Development Department,
Chennai - 9.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Special Thasildar,
(Land Acquisition),
Highways, World Bank Project,
Chennai.
4. The Divisional Engineer (Highways)
Tamil Nadu Urban Development Project,
Division - I, Saidapet, Chennai - 600015.

+1cc to Mr.K.Chozhan, Advocate SR. No.1017

+1cc to Government Pleader SR. No.1967

W.P.No.34202 of 2018

PM (CO)

PR (27/01/2022)