



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

WEB COPY

W.A(MD)No.791 of 2018

and

C.M.P. (MD)No.4680 of 2018

in W.P. (MD) No. 20395 of 2017

1.R.Subramani

2.R.Parameshwaran

3.Ochayee

4.R.Petchi

5.S.Panchu

6.M.Amaravathi

7.A.Kasthuri

8.R.Sivanammal

.. Appellants /Petitioners

Vs

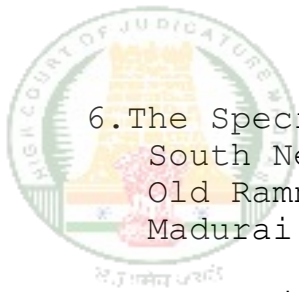
1.The Secretary to the Govt. of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai- 600 009.

2.The Managing Director,
Tamilnadu Housing Board(TNHB),
Nanthanam, Anna Salai, Chennai - 600 035.

3.The Executive Engineer / AO,
Uchapatti - Thoppur Satellite Town Division,
Tamilnadu Housing Board (TNHB),
Ellis Nagar, Madurai - 625 016.

4.The District Collector,
Madurai District, Madurai - 625 020.

5.The Revenue Divisional Officer,
O/o Revenue Divisional Office,
Madurai Revenue Division, Madurai - 20.



6.The Special Tahsildar (Land Acquisition),
South Neighbourhood Scheme,
Old Ramnad Collectorate Complex,
Madurai - 625 020.

.. Respondents /Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 07.02.2018 made in W.P.(MD) No. 20395 of 2017.

Prayer in WP(MD). 20395/ 2017 :

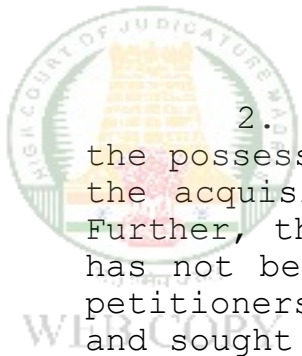
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring the entire land acquisition proceedings initiated under The Land Acquisition Act, 1894 in respect of land in survey numbers 22/8A, 22/7 and 22/4B to the extent of 0.26.0, 0.41.5 and 0.32.5 hectares of land respectively in Award No. 8/1994 ROC No. 153/86/A and LAC.No. 21/86 dated 05.08.1994 of Thoppur Village, Madurai South Taluk, Madurai District, which was passed by the 6th Respondent/ Special Tahsildar (Land Acquisition), South Neighbourhood Scheme, Madurai -20 as lapsed, in view of the Sect.24 (2) of the Right to Fair compensation and transparency in land Acquisition Rehabilitation and Resettlement Act 2013 and consequently directing the respondents to relased these survey nmbers from the patta in which they have been transferred to Tamil Nadu Housing Board and not to interfere with the physical possession over the said property as still they are in possession and cultivation.

For Appellants	: No appearance
For Respondents	: Mr.M.Siddharthan Additional Government Pleader for R1, R2, R4 to R6
	: Mr.R.Janarthanan for R3

JUDGMENT

[Delivered by R.VIJAYAKUMAR, J.]

The appellants have filed W.P(MD)No.20395 of 2017 praying for a writ of declaration that the entire land acquisition proceedings initiated under the Land Acquisition Act, 1894 and the Award No.8 of 1994, which was passed by the Special Tahsildar (Land Acquisition), South Neighbourhood Scheme, Madurai 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. The writ petition was filed mainly on the ground that the possession has not been taken over by the Government pursuant to the acquisition proceedings under the Land Acquisition Act, 1894. Further, the petitioners have contended that the compensation amount has not been disbursed to them. Based upon these two grounds, the petitioners claimed benefit under Section 24(2) of 2013 Enactment and sought for a prayer that the entire land acquisition proceedings have got lapsed.

3. The Tamil Nadu Housing Board filed a detailed counter pointing out that possession has already been taken and the compensation amount was deposited before the Civil Court in view of pendency of proceedings under Section 30 of the Land Acquisition Act, 1894.

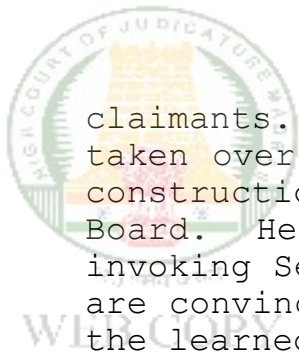
4. The learned Single Judge called for a report from the Principal Sub Court, Madurai with regard to the status of L.A.O.P.Nos.75 and 76 of 1995. The learned Subordinate Judge, Madurai in his report has stated that the said L.A.O.P.Nos.75 and 76 of 1995 have been disposed of on 30.03.2005 and 29.04.2005 and the award amount has also been disbursed. Hence, the learned Single Judge arrived at a finding that the entire compensation as per the old Act has already been disbursed. In para : 23, the learned Single Judge has also arrived at a finding that physical possession has also been taken over by the Government and the same has been handed over to Tamil Nadu Housing Board and the same is also reflected in the revenue records.

5. As per the counter filed by the Tamil Nadu Housing Board 57% infrastructure development works have already been completed. Based on the said finding, the learned Single Judge has proceeded to dismiss the writ petition. Challenging the same, the present writ petition has been filed.

6. While the writ appeal was pending, the learned advocate for the appellants informed the Court that the parties have withdrawn the vakalat and taken back the bundle from him.

7. On 15.02.2022, this Bench has passed an order that the appeal would be taken up for hearing on merits on the next date of hearing or it may be disposed of as not pressed, if no representation made on behalf of the appellants. Even today, there is no representation on the side of the appellants.

8. From the records, we could find that the award amount declared by the Special Tahsildar (Land Acquisition), South Neighbourhood Scheme, Madurai, was challenged before the Sub Court, Madurai under Section 30 of the Land Acquisition Act, 1894 and an Award was passed in L.A.O.P.Nos.75 and 76 of 1995 even in the year 2005. According to the report of the learned Subordinate Judge, Madurai, the compensation amount has been disbursed to the



claimants. The revenue records indicate that possession has been taken over by the Tamil Nadu Housing Board and more than 50% of the construction work have been completed by the Tamil Nadu Housing Board. Hence, it is clear that none of the conditions required for invoking Section 24(2) of 2013 Act having been satisfied. Hence, we are convinced that there is no ground to interfere with the order of the learned Single Judge.

9. For the above reasons, this appeal stands dismissed.
No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

smn/22

To

1.The Secretary to the Govt. of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai- 600 009.

2.The District Collector,
Madurai District, Madurai - 625 020.

3.The Revenue Divisional Officer,
O/o Revenue Divisional Office,
Madurai Revenue Division, Madurai - 20.

4.The Special Tahsildar (Land Acquisition),
South Neighbourhood Scheme,
Old Ramnad Collectorate Complex,
Madurai - 625 020.

+1 CC to M/s.R.JANARTHANAN, Advocate (SR-15559[F] dated
31/03/2022)

+1 CC to M/s.SPL GP (SR-15720[F] dated 31/03/2022)

W.A (MD) No.791 of 2018
29.03.2022

KM(CO)

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