



W.P.Nos.956 of 2023, etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.08.2023

PRONOUNCED ON : 22 .08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.956, 5748, 6908, 6909, 7600, 7604, 7607, 7610, 7615, 7618,
7621, 7623, 7625, 7627, 15699 & 15701 of 2023

and

W.M.P.Nos.936, 938, 5746, 5748, 7003, 7004, 7007, 7012, 7717, 7719,
7721, 7728 to 7730, 7735 to 7737, 7740 to 7742, 7747 to 7749, 7754,
7757, 7758, 7761 to 7763, 7766, 7770, 7771, 7774, 7775, 7777, 7779,
7781, 7782, 15179 to 15181 & 15182 to 15184 of 2023

W.P.No.956 of 2023:

Dalmia Cement (Bharat) Limited,
Represented by its Manager – Legal,
Fagun Mansion 26, Ethiraj Salai,
Chennai.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Industries (MMA2) Department,
Secretariat, Fort St. George,
Chennai.

2.Revenue Divisional Officer,
Ariyalur.

3.The Special Tahsildar (LA),
TANCEM, Ariyalur.



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4.M/s.Tamil Nadu Cement Corporation Limited,
Represented by its Managing Director,
5th Floor, Aavin Illam,
3A, Pasumpon Muthuramalingam Salai,
Nandanam, Chennai – 600 035.

... Respondents

[R4 impleaded vide order dated 15.02.2023 made in
WMP.No.4022 of 2023 in W.P.No.956 of 2023]

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Declaration, declaring that the land acquisition proceedings in pursuance of Notification issued under Section 4 dated 8th August, 1994 and Section (6) Declaration dated 6th September, 1995 in respect of the land of an extent of 3.96.0 hectares lands in Survey Nos.419, 420 and 429 of Block No.5 of Village Valajanagaram Ariyalur Taluk, Ariyalur District as having lapsed as per Section 11 A of the Land Acquisition Act, 1894 and / or section 25 of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.AL.Somaji, Senior Counsel
For Mr.L.Palanimuthu
(WP.No.956 of 2023)

: Mrs.AL.Gandhimathi, Senior Counsel
For Mr.L.Palanimuthu
(WP.Nos.5748, 6908, 6909, 7600, 7604,
7607, 7610, 7615, 7618, 7621, 7623,
7625, 7627, 15699 & 15701 of 2023)

For Respondents :
(for R1 to R3) : Mr.R.Neelakandan, A.A.G., Assisted by
Mr.G.Krishna Raja, A.G.P.



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(for R4)

: Mr.Viduthalai, Senior Counsel
For Mr.A.Sivaji

COMMON ORDER

Litigious History Of The Case:

The land acquisition proceedings under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 [hereinafter stated as Act] initiated under Section 4 notification was published in the Tamil Nadu Government Gazette on 07.09.1994. Section 6 declaration was published on 20.09.1995. Immediately the writ petitioner Dalmia Cements (Bharat Limited) filed W.P.No.1367 to 1370 of 1996, challenging the acquisition proceedings. An interim stay was granted by this Court on 07.02.1996. Thereafter, final order was passed in a batch of writ petitions on 16.12.2002. All the 60 writ petitions filed in the year 1996 were dismissed.

2. The writ petitioner preferred Writ Appeals and the Hon'ble Division Bench of this Court passed orders on 16.10.2006, elaborately considering the grounds raised by the writ petitioner and dismissed all the



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writ appeals, mainly on the ground that the appellant / Dalmia Cements (Bharat Limited) suffers from two additional disadvantages. Though they sought permission under Section 37-A of, the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, in their own name, they purchased the lands admittedly in the names of their subsidy companies by the names M/s.Anupama Investment Limited, M/s. Poonam Finance limited and M/s.Kannika Limited. In other words, the company, M/s Dalmia Cements (Bharat Limited), purchased the land without the permission under Section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, and the Subsidy companies had also not challenged the acquisition proceedings.

3. Therefore, the *locus standi* of Dalmia Cements (Bharat Limited) to challenge the acquisition proceedings itself was questioned and decided by the Hon'ble Division Bench of this Court. The writ petitioner / Dalmia Cements (Bharat Limited) is not the owner of the subject lands acquired.

4. The petitioner filed S.L.P. and an Interim Stay was granted by the Hon'ble Supreme Court of India on 08.12.2006. The Apex Court of India passed final orders on 05.05.2017 in C.A.Nos.3410 to 3487 of 2008 and



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batch. All the C.As were dismissed by the Hon'ble Supreme Court of India, however, by granting liberty to the petitioner to file an application under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, before the High Court or before the appropriate authority as the appellants so desire.

5. Taking advantage of the liberty granted by the Hon'ble Supreme Court of India to file petition under Section 24 of the New Act of year 2013, the petitioner has filed batch of writ petitions in W.P.Nos.30408 of 2017, etc. Again the issues were adjudicated by this Court elaborately and a judgment was pronounced on 05.01.2022 dealing with the grounds raised by the petitioner including the grounds already raised. All the writ petitions were dismissed by this Court. Though the petitioner states that they have preferred writ appeals, no details were furnished before this Court.

6. The competent authorities issued summons on 21.10.2022 and the petitioner has submitted their reply on 23.11.2022 in response to the summons issued.



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7. The present writ petitions are filed challenging the award passed by the competent authority under the Act 1997, except W.P.No.956 of 2023, wherein a writ of declaration has been filed to declare that the land acquisition proceedings, in pursuant to the notification issued under Section 4 dated 8th of August, 1994, and Section 6 declaration dated 6th of September, 1995, and the subsequent proceedings, have lapsed as per Section 11-A of the Land Acquisition Act, 1894, and / or Section 25 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The award passed by the competent authorities are under challenge in the present batch of writ petitions.

Factual Background:

8. The petitioner-company is manufacturing and supplying cement all over the Country. The petitioner-company owns and possesses larger extent of land in Ariyalur District. The 1st respondent issued G.O.Ms.No.921, Industries Department dated 25.08.1986 reserving an extent of 1283.62 Acres of land in Ariyalur Taluk for exploitation of Lime Stone for the benefit of Tamil Nadu Cements Corporation. Acquisition proceedings were initiated under the Land Acquisition Act, 1894, and a



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notification was issued under Section 4 of the Old Act during the period from 21.09.1993 to 24.04.1998. Declarations were made under Section 6 of the Old Act and published during the period 08.11.1994 to 24.12.1999. Since the petitioner had filed batch of writ petitions challenging the acquisition proceedings, the compensations were not paid by the authorities. Possession was also not taken. However, subsequently award was passed and the quantum of compensation was determined and those awards are challenged in the present batch of writ petitions.

9. The earlier batch of writ petitions in W.P.No.30408 of 2017, etc., was filed mainly on the ground that the acquisition proceedings have lapsed in view of Section 24(2) of the New Act of the year 2013. The said writ petitions were filed pursuant to the liberty granted by the Hon'ble Supreme Court of India in the order dated 05.05.2017. This Court, during the second round of litigation, also elaborately considered the facts and grounds raised by the petitioner herein. The ground mainly raised in the batch of writ petitions of the year 2017 is that; the acquisition proceedings lapsed as per Section 24(2) of the New Act of the year 2013.



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10. The present writ petitions are filed challenging the award passed by the authorities, except the writ petition in W.P.No.956 of 2023, wherein declaration is sought for to declare the proceedings as lapsed under Section 11-A of the Old Act or Under Section 25 of the New Act of the year 2013.

Relevant Findings in the order passed in earlier Batch of Writ Petitions:

11. In the batch of writ petitions of the year 2017 filed after the Hon'ble Supreme Court order, this Court elaborately considered the scope of Section 11-A of the Old Act and also Section 24(2) of the New Act of the year 2013 and its relevant paragraphs are extracted hereunder:

“ 9. The petitioners have raised grounds that though the interim order of dispossession alone was granted by this Court and the Hon'ble Supreme Court of India, the respondents did not pass any award within the period of two years from the date of declaration made under Section 6 of the Old Act. Even in the case of award passed, no compensation amount has been deposited and no possession has been taken over till today. Therefore, the entire acquisition proceedings have lapsed as contemplated under Section 24(2) of the New Act. It is relevant to extract the provision under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 hereunder:



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24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases:-

(2) Notwithstanding anything contained in subsection (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an 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.

10. In some of the cases, no award has been passed in view of the interim order of this Court and the Hon'ble Supreme Court of India. The above provision deals with land acquisition proceedings for which award under Section 11 of the Old Act has been made. The liberty has been granted by the Hon'ble Supreme Court of India to file an application under Section 24 of the New Act. All the writ petitions are filed under Section 24(1)(a) of the New Act and the petitioners are entitled only for compensation under the New Act as provided therein. The question of lapse of land acquisition proceedings does not arise in these cases. Though award was passed under the Old Act, the question of Section 11-A of the Old Act cannot be applicable in view of the interim orders were in operation. That apart, while dismissing the writ appeals filed by the petitioners, the Hon'ble Division Bench of this Court observed as follows:

Before concluding, we may have to add that insofar as the appeals of M/s.Dalmia Cements (Bharat) Limited are



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concerned, the appellant suffers from two additional disadvantages. Though they sought permission under Section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, in their name, they purchased the lands admittedly, in the name of their subsidiary Companies by name M/s.Anoopama Investments Limited, M/s.Poonam Finance Limited and M/s.Kanika Investments Limited. In other words, the Companies in whose names M/s.Dalmia Cements (Bharat) Ltd., purchased the lands, did not enjoy the permission under Section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, and the subsidiary Companies have also not challenged the acquisition proceedings.

11. Section 11-A of the Old Act has no application in these cases as the non stay period is much less than two years as stipulated under Section 11-A of the Old Act. In all these petitions, no awards were passed on or before 01.01.2014 and hence only the compensation shall be payable as per the New Act and it cannot be treated as lapsed as claimed by the petitioners. In the award passed cases as per award Nos.1 of 1996 dated 07.11.1996, 1 of 1998 dated 10.12.1998, 7 of 1999 dated 06.04.1999 and No.5 of 2000 dated 28.11.2000, the entire compensation amounts in respect of respective subject lands have been deposited as revenue deposits by the second respondent in accordance with law. Thereafter, all the petitioners were duly served notice under Section 12(2) of the New Act. Therefore, the ground of compensation amount has not been deposited does not arise. In all these writ petitions following details in respect of date of award, date of remittance of compensation and period of interim orders as per records, furnished as follows:



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ULTRA TECH CEMENT

Sl. No	Block No./ Name of Village	WP.No. 24(2)	Whether Award has been passed	When was the award passed	Total period from the date of award to date of RFCTLARR Act-2013 Y/M/D	When was the possession taken	Whether covered by interim order / dispossession	Whether compensation was paid
1	20 Valajana-garam	30408/17	YES	31.12.99	14/00/00	does not arise	Dispossession	Compensation amount kept in revenue deposit
2	1 Valajana-garam	30409/17	YES	07.11.96	17/01/24	does not arise	Dispossession	Compensation amount kept in revenue deposit
3	59 Kairalabath	30410/17	YES	28.11.2000	13/00/10	does not arise	Dispossession	Compensation amount kept in revenue deposit
4	34 Pudupal-ayam	30411/17	YES	31.12.99	14/00/00	does not arise	Dispossession	Compensation amount kept in revenue deposit

Sl. No	WP.No.	Various periods during which interim order was in force	Total period covered by interim order from the date of award to RFCTLARR Act-2013 Y/M/D	Date of Remittance of compensation amount	What was the total period covered by interim order if any Y/M/D	Total period not covered by stay order Y/M/D	Extent and award amount
1	30408/17	1.WP.No.8981/97-31.12.1999 to 16.12.2002 (1081 days) 2.WA.No.1052/03 – 15.03.2003 to 16.10.2006 (1321 days) 3.SLP.No.20342/2006-21.12.06 to 01.01.14 (2568 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.02/11/15 2.03/07/11 3.07/00/10 Total 4.13/07/06	31.03.2000	13/07/06	0/05/24	3.13.5 hec 6,02,754/-



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Sl. No	WP.No.	Various periods during which interim order was in force	Total period covered by interim order from the date of award to RFCTLARR Act-2013 Y/M/D	Date of Remittance of compensation amount	What was the total period covered by interim order if any Y/M/D	Total period not covered by stay order Y/M/D	Extent and award amount
2	30409/17	1.WP.No.3632/97-17.03.1997 to 16.12.2002 (2100 days) 2.WA.No.1055/03 – 05.03.2003 to 16.10.2006 (1322 days) 3.SLP.No.20342/2006-21.12.06 to 01.01.14 (2568 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.05/08/29 2.03/07/11 3.07/00/10 Total 4.16/04/20	24.09.97	16/04/20	0/09/24	2.68.0 hec 3,65,811/-
3	30410/17	1.WP.No.10682/2000-28.11.2000 to 16.12.2002 (748 days) 2.WA.No.1054/03 – 05.03.2003 to 16.10.2006 (1321 days) 3.SLP.No.20342/2006-21.12.06 to 01.01.14 (2568 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.02/00/18 2.03/07/11 3.07/00/10 Total 4.12/08/09	05.08.2002	12/08/2009	0/04/01	3.05.0 hec 3,43,183/-
4	30411/17	1.WP.No.10939/97-31.12.1999 to 16.12.2002 (1081 days) 2.WA.No.1053/03 – 05.03.2003 to 16.10.2006 (1322 days) 3.SLP.No.20342/2006-21.12.06 to 01.01.14 (2568 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.02/11/15 2.03/07/11 3.07/00/10 Total 4.13.07/06	18.04.2000	13/07/06	0/05/24	0.85.5 hec 65,448/-

RAMCO CEMENTS

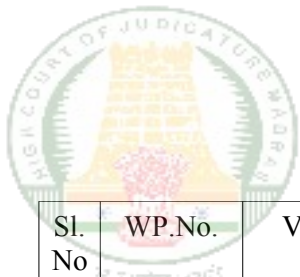
Sl. No	Block No./ Name of Village	WP.No. 24(2)	Whether Award has been passed	When was the award passed	Total period from the date of award to date of RFCTLARR Act-2013 Y/M/D	When was the possession taken	Whether covered by interim order / dispossession	Whether compensation was paid
1	34 Pudupal-ayam	2108/18	YES	6.4.99	14/08/25	does not arise	Dispossession	Compensation amount kept in revenue



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Sl. No	Block No./ Name of Village	WP.No. 24(2)	Whether Award has been passed	When was the award passed	Total period from the date of award to date of RFCTLARR Act-2013 Y/M/D	When was the possession taken	Whether covered by interim order / dispossession	Whether compensation was paid
								deposit
2	28 Kairalabath	2109/18	YES	6.4.99	14/08/25	does not arise	Dispossession	Compensation amount kept in revenue deposit
3	36 Pudupalayam	2110/18	YES	3/99 19.2.99	14/10/12	does not arise	Dispossession	Compensation amount kept in revenue deposit
4	33 Pudupalayam	2111/18	YES	19.2.99		does not arise	Dispossession	Compensation amount kept in revenue deposit
5	38 Reddipalayam	2112/18	YES	19.2.99		does not arise	Dispossession	Compensation amount kept in revenue deposit
6	35 Pudupalayam	2113/18	YES	6.4.99	14/08/25	does not arise	Dispossession	Compensation amount kept in revenue deposit

Sl. No	WP.No.	Various periods during which interim order was in force	Total period covered by interim order from the date of award to RFCTLARR Act-2013 Y/M/D	Date of Remittance of compensation amount	What was the total period covered by interim order if any Y/M/D	Total period not covered by stay order Y/M/D	Extent and award amount
1	2108/18	1.WP.No.5844/99-07.04.99 to 16.12.2002 (1349 days) 2.WA.No.1069/03 – 05.03.2003 to 16.10.2006 (1321 days) 3.SLP.No.20097/2006-21.12.06 to 01.01.14 (2568 days) 4.02.01.2014 to 05.05.2017	1.03/08/09 2.03/07/11 3.07/00/10 Total 4.14/04/00	24.06.99	14/04/00	0/04/25	2.21.5 hec 1,82,860/-



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Sl. No	WP.No.	Various periods during which interim order was in force	Total period covered by interim order from the date of award to RFCTLARR Act-2013 Y/M/D	Date of Remittance of compensation amount	What was the total period covered by interim order if any Y/M/D	Total period not covered by stay order Y/M/D	Extent and award amount
		(1219 days)					
2	2109/18	1.WP.No.5843/99-12.01.1999 to 16.12.2002 (1434 days) 2.WA.No.1068/03 – 05.03.2003 to 16.10.2006 (1321 days) 3.SLP.No.20097/2006-21.12.06 to 05.05.17 (3788 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.03/08/9 2.03/07/11 3.07/00/10 Total 4.14/04/00	30.06.99	14/04/00	0/04/25	0.96.0 hec 78,447/-
3	2110/18	1.WP.No.2126/99-19.02.99 to 16.12.2002 (1396 days) 2.WA.No.128/10 – 28.01.2010 3.SLP.No.20097/2006 to 05.05.17 (days)	03/09/27	13.07.99			0.99.0 hec 2,52,102/-
4	2111/18	1.WP.No.2125/99-19.02.1999 to 16.12.2002 (1396 days) 2.WA.No.127/2010 – 28.01.2010 3.SLP.No.20097/2006-05.05.17 (days)	03/09/27	30.06.99			2.37.0 hec 42,095/-
5	2112/18	1.WP.No.2124/99-19.02.1999 to 16.12.2002 (1396 days) 2.WA.No.126/2010 – 28.01.2010 3.SLP.No.20097/2006-05.05.17 (days)	03/09/27	08.09.99			0.86.0 hec 90,991/-
6	2113/18	1.WP.No.5845/99-07.04.99 to 16.12.2002 (1349 days) 2.WA.No.1070/03 – 05.03.2003 to 16.10.2006 (1321 days) 3.SLP.No.20097/2006-21.12.06 to 01.01.14 (2568 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.03/08/09 2.03/07/11 3.07/00/10 Total 4.14/04/00	24.06.99	14/04/00	0/04/25	2.06.5 hec 1,62,497/-



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DALMIA CEMENTS

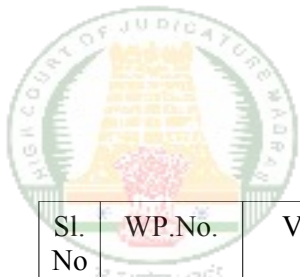
Sl. No	Block No./ Name of Village	WP.No. 24(2)	Whether Award has been passed	When was the award passed	Total period from the date of award to date of RFCTLARR Act-2013 Y/M/D	When was the possession taken	Whether covered by interim order / dispossession	Whether compensation was paid
1	11 Valajana-garam	33671/18	YES	17.7.97	16/05/14	-	Dispossession	Compensation amount kept in revenue deposit
2	13 Valajana-garam	33673/18	YES	17.7.97	16/05/14	-	Dispossession	Compensation amount kept in revenue deposit
3	19 Valajana-garam	33677/18	YES	23.02.2000	14/10/08	-	Dispossession	Compensation amount kept in revenue deposit
4	2 Valajana-garam	33681/18	YES	29.11.96	17/01/02	-	Dispossession	Compensation amount kept in revenue deposit
5	1 Valajana-garam	33683/18	YES	7.11.96	17/01/24	-	Dispossession	Compensation amount kept in revenue deposit
6	18 Valajana-garam	33685/18	YES	6.7.2000	13/05/25	-	Dispossession	Compensation amount kept in revenue deposit
7	17 Valajana-garam	33687/18	YES	13.01.2000	13/11/18	-	Dispossession	Compensation amount kept in revenue deposit
8	12 Valajana-garam	33690/18	YES	19.7.97	16/05/12	-	Dispossession	Compensation amount kept in revenue deposit
9	20 Valajana-garam	33697/18	YES	31.12.99	14/00/00	-	Dispossession	Compensation amount kept in revenue deposit



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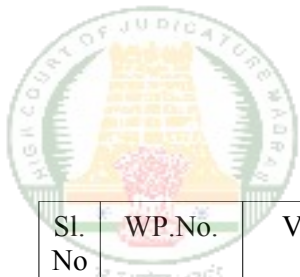
Sl. No	Block No./ Name of Village	WP.No. 24(2)	Whether Award has been passed	When was the award passed	Total period from the date of award to date of RFCTLARR Act-2013 Y/M/D	When was the possession taken	Whether covered by interim order / dispossession	Whether compensation was paid
10	21 Valajana-garam	33698/18	YES	28.06.2000	13/06/03	-	Dispossession	Compensation amount kept in revenue deposit
11	14 Valajana-garam	33700/18	YES	17.7.97	16/05/14	-	Dispossession	Compensation amount kept in revenue deposit

Sl. No	WP.No.	Various periods during which interim order was in force	Total period covered by interim order from the date of award to RFCTLARR Act-2013 Y/M/D	Date of Remittance of compensation amount	What was the total period covered by interim order if any Y/M/D	Total period not covered by stay order Y/M/D	Extent and award amount
1	33671/18	1.WP.No.13253/95-17.07.97 to 16.12.2002 (1978 days) 2.WA.No.1154/03 – 17.03.2003 to 16.10.2006 (1309 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.05/04/29 2.03/06/29 3.07/00/23 Total 4.16/00/21	24.09.97	16/00/21	0/04/23	5.71.5 hec 8,14,459/-
2	33673/18	1.WP.No.13251/95-17.07.97 to 16.12.2002 (1978 days) 2.WA.No.1153/03 – 17.03.2003 to 16.10.2006 (1309 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.05/04/29 2.03/06/29 3.07/00/23 Total 4.16/00/21	19.11.97	16/00/21	0/04/23	3.53.5 hec 4,80,366/-
3	33677/18	1.WP.No.17716/97-26.03.99 to 16.12.2002 (1361 days) 2.WA.No.2892/03 – 19.09.2003	1.03/08/20 2.03/00/27 3.07/00/23	31.03.2000	13/10/10	01/11/28	4.89.0 hec 6,46,895/-



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Sl. No	WP.No.	Various periods during which interim order was in force	Total period covered by interim order from the date of award to RFCTLARR Act-2013 Y/M/D	Date of Remittance of compensation amount	What was the total period covered by interim order if any Y/M/D	Total period not covered by stay order Y/M/D	Extent and award amount
		to 16.10.2006 (1123 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	Total 4.13/10/10				
4	33681/18	1.WP.No.6485/95-29.11.96 to 16.12.2002 (2208 days) 2.WA.No.872/03 – 28.02.2003 to 16.10.2006 (1326 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.06/00/17 2.03/07/18 3.07/00/23 Total 4.16/08/28	24.09.97	16/08/28	0/04/04	2.48.0 hec 4,34,431/-
5	33683/18	1.WP.No.6484/95-07.11.96 to 16.12.2002 (2230 days) 2.WA.No.89/03 – 13.01.2003 to 16.10.2006 (1372 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.06/01/09 2.03/09/03 3.07/00/23 Total 4.16/11/05	24.09.97	16/11/05	0/02/19	2.26.0 hec 3,16,764/-
6	33685/18	1.WP.No.17715/95-06.07.2000 to 16.12.2002 (893 days) 2.WA.No.2894/03 – 19.09.2003 to 16.10.2006 (1124 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.02/05/10 2.03/00/27 3.07/00/23 Total 4.12/07/00	20.03.2001	12/7/2000	0/05/25	10.18.0 hec 10,00,692/-
7	33687/18	1.WP.No.17718/95-13.01.2000 to 16.12.2002 (1068 days) 2.WA.No.581/03 – 19.09.2003 to 16.10.2006 (1123 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.02/11/03 2.03/00/27 3.07/00/23 Total 4.13/00/23	31.03.2000	13/00/23	01/10/25	6.74.5 hec 5,82,472/-
8	33690/18	1.WP.No.13254/95-19.07.97 to 16.12.2002 (1979 days)	1.05/04/27 2.03/00/27	19.11.97	15/06/17	0/10/25	8.02.0 hec 10,85,478/-



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Sl. No	WP.No.	Various periods during which interim order was in force	Total period covered by interim order from the date of award to RFCTLARR Act-2013 Y/M/D	Date of Remittance of compensation amount	What was the total period covered by interim order if any Y/M/D	Total period not covered by stay order Y/M/D	Extent and award amount
		2.WA.No.2884/03 – 19.09.2003 to 16.10.2006 (1123 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	3.07/00/23 Total 4.15/06/17				
9	33697/18	1.WP.No.17717/97-31.12.99 to 16.12.2002 (1081 days) 2.WA.No.580/03 – 18.02.2003 to 16.10.2006 (1336 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.02/11/15 2.03/07/28 3.07/00/23 Total 4.13/08/06	31.03.2000	13/08/06	0/04/24	6.71.5 hec 13,31,147/-
10	33698/18	1.WP.No.17719/97-28.06.2000 to 16.12.2002 (901 days) 2.WA.No.582/03 – 18.02.2003 to 16.10.2006 (1336 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.02/05/18 2.03/07/28 3.07/00/23 Total 4.13/02/09	20.03.2001	13/02/09	0/03/24	8.66.5 hec 17,75,596/-
11	33700/18	1.WP.No.13252/95-17.07.97 to 16.12.2002 (1978 days) 2.WA.No.1155/03 – 17.03.2003 to 16.10.2006 (1309 days) 3.SLP.No.19793/2006-08.12.06 to 01.01.14 (2581 days) 4.02.01.2014 to 05.05.2017 (1219 days)	1.05/04/29 2.03/06/29 3.07/00/23 Total 4.16/00/21	19.11.97	16/00/21	0/03/23	4.22.0 hec 5,70,541/-

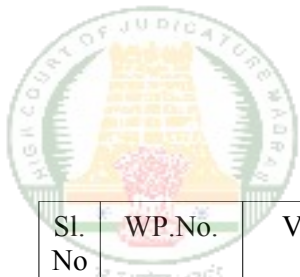


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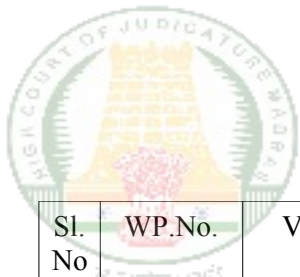
Sl. No	Block No./ Name of Village	WP.No. 24(2)	Whether Award has been passed	When was the award passed	Whether possession had been taken	When was the possession taken	Whether covered by interim order	Whether compensation was paid
1	5 Valajana-garam	9882/18	NO	-	NO	-	Interim Stay	NO
2	10 Valajana-garam	9883/18	NO	-	-	-	Interim Stay	NO
3	15 Valajana-garam	9884/18	NO	-	NO	NO	Interim Stay	NO
4	6 Valajana-garam	9885/18	NO	-	NO	-	Interim Stay	NO
5	8 Valajana-garam	9886/18	NO	-	NO	-	Interim Stay	NO
6	4 Valajana-garam	9887/18	NO	-	NO	-	Interim Stay	NO
7	3 Valajana-garam	9888/18	NO	-	NO	-	Interim Stay	NO

Sl. No	WP.No.	Various periods during which interim order was in force	When was the compensation paid	How was the compensation paid	What was the total period covered by interim order if any (in days)	Extent
1	9882/18	1.WP.No.1369/96-07.02.1996 to 16.12.2002 (2671 days) 2.WA.No.554/03 – 10.02.2003 to 16.10.2006 (1345 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017	-	-	7818	3.96.0 hec



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Sl. No	WP.No.	Various periods during which interim order was in force	When was the compensation paid	How was the compensation paid	What was the total period covered by interim order if any (in days)	Extent
		(3802 days)				
2	9883/18	1.WP.No.1370/96-07.02.1996 to 16.12.2002 (2588 days) 2.WA.No.559/03 – 10.02.2003 to 16.10.2006 (1344 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3802 days)	-	-	7734	8.49.5 hec
3	9884/18	1.WP.No.11510/95-02.01.1996 to 16.12.2002 (2541 days) 2.WA.No.1799/03 – 29.04.2003 to 16.10.2006 (1267 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3802 days)	-	-	7610	2.80.0 hec
4	9885/18	1.WP.No.1367/96-07.02.1996 to 16.12.2002 (2505 days) 2.WA.No.1800/03 – 29.04.2003 to 16.10.2006 (1267 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3802 days)	-	-	7574	4.22.5 hec
5	9886/18	1.WP.No.15692/95-15.11.1995 to 16.12.2002 (2588 days) 2.WA.No.873/03 – 28.02.2003 to 16.10.2006 (1326 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3802 days)	-	-	7716	9.28.5 hec
6	9887/18	1.WP.No.11474/95-24.08.1995 to 16.12.2002 (2671 days) 2.WA.No.2886/03 – 19.09.2003 to 16.10.2006 (1158 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3802 days)	-	-	7501	4.04.0 hec
7	9888/18	1.WP.No.11476/95-24.08.1995 to 16.12.2002 (2671 days)	-	-	7501	3.55.5 hec



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Sl. No	WP.No.	Various periods during which interim order was in force	When was the compensation paid	How was the compensation paid	What was the total period covered by interim order if any (in days)	Extent
		2.WA.No.2885/03 – 19.09.2003 to 16.10.2006 (1158 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3802 days)				

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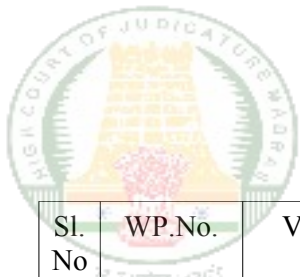
Sl. No	Block No./ Name of Village	WP.No. 24(2)	Whether Award has been passed	When was the award passed	Whether possession had been taken	When was the possession taken	Whether covered by interim order	Whether compensation was paid
1	22 Valajana-garam	27574/18	NO	-	NO	-	Interim Stay	NO
2	37 Valajana-garam	27579/18	NO	-	NO	-	Interim Stay	NO
3	23 Valajana-garam	27593/18	NO	-	-	-	Interim Stay	NO
4	7 Valajana-garam	27626/18	NO	-	-	-	Interim Stay	NO
5	9 Valajana-garam	27641/18	NO	-	NO	-	Interim Stay	NO
6	24 Valajana-garam	27651/18	NO	-	NO	-	Interim Stay	NO
7	25 Valajana-garam	27683/18	NO	-	NO	-	Interim Stay	NO
8	30	27694/18	NO	-	NO	-	Interim	NO



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Sl. No	Block No./ Name of Village	WP.No. 24(2)	Whether Award has been passed	When was the award passed	Whether possession had been taken	When was the possession taken	Whether covered by interim order	Whether compensation was paid
	Pudu-palayam						Stay	
9	26 Valajana-garam	27722/18	NO	-	NO	-	Interim Stay	NO

Sl. No	WP.No.	Various periods during which interim order was in force	When was the compensation paid	How was the compensation paid	What was the total period covered by interim order if any (in days)	Extent
1	27574/18	1.WP.No.17720/97-25.02.1998 to 16.12.2002 (1756 days) 2.WA.No.882/03 – 28.02.2003 to 16.10.2006 (1326 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3801 days)	-	-	6883	10.36.5 hec
2	27579/18	1.WP.No.17722/97-25.02.1998 to 16.12.2002 (1756 days) 2.WA.No.824/03 – 28.02.2003 to 16.10.2006 (1345 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3801 days)	-	-	6883	2.58.5 hec
3	27593/18	1.WP.No.17721/97-25.02.1998 to 16.12.2002 (1756 days) 2.WA.No.823/03 – 28.02.2003 to 16.10.2006 (1326 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3801 days)	-	-	6883	10.53.5 hec
4	27626/18	1.WP.No.1368/96-07.02.1996 to 16.12.2002 (1773 days) 2.WA.No.555/03 – 10.02.2003 to 16.10.2006 (1345 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017	-	-	6919	4.03.5 hec



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Sl. No	WP.No.	Various periods during which interim order was in force	When was the compensation paid	How was the compensation paid	What was the total period covered by interim order if any (in days)	Extent
		(3801 days)				
5	27641/18	1.WP.No.15691/95-15.11.1995 to 16.12.2002 (2588 days) 2.WA.No.874/03 – 28.02.2003 to 16.10.2006 (1326 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3801 days)	-	-	7715	6.88.0 hec
6	27651/18	1.WP.No.17713/97-25.02.1998 to 16.12.2002 (1756 days) 2.WA.No.2893/03 – 19.09.2002 to 16.10.2006 (1124 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3801 days)	-	-	6681	10.35.0 hec
7	27683/18	1.WP.No.17725/97-25.02.1998 to 16.12.2002 (1756 days) 2.WA.No.545/03 – 10.02.2003 to 16.10.2006 (1345 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3801 days)	-	-	6902	9.81.5 hec
8	27694/18	1.WP.No.17714/97-25.02.1998 to 16.12.2002 (1756 days) 2.WA.No.2895/03 – 19.09.2003 to 16.10.2006 (1124 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3801 days)	-	-	6681	0.88.0 hec
9	27722/18	1.WP.No.17724/97-25.02.1998 to 16.12.2002 (1756 days) 2.WA.No.544/03 – 10.02.2003 to 16.10.2006 (1345 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3801 days)	-	-	6902	12.87.5 hec



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Sl. No	Block No./ Name of Village	WP.No. 24(2)	Whether Award has been passed	When was the award passed	Whether possession had been taken	When was the possession taken	Whether covered by interim order	Whether compensation was paid
1	27 Valajana-garam	24314/18	NO	-	NO	-	Interim Stay	NO

Sl. No	WP.No.	Various periods during which interim order was in force	When was the compensation paid	How was the compensation paid	What was the total period covered by interim order if any (in days)	Extent
1	24314/18	1.WP.No.17723/97-25.02.1998 to 16.12.2002 (1756 days) 2.WA.No.543/03 – 10.02.2003 to 16.10.2006 (1345 days) 3.SLP.No.19793/2006-08.12.06 to 05.05.2017 (3801 days)	-	-	6902	5.52.5 hec

*“12. In this regard, it is relevant to rely upon the judgment of the Hon'ble Supreme Court of India reported in (2020) 8 SCC 129 in the case of **Indore Development Authority Vs. Manoharlal and ors etc.** in CA.No.20982 of 2017 dated 08.02.2018, wherein it is held as follows:*

161.Q.No.IV. Provisions of section 24(2) do not intend to cover the period spend during litigation and when the authorities have been disabled to act under section



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24(2) due to the final or interim order of a court or otherwise, such period has to be excluded from the period of five years as provided in section 24 (2) of the Act of 2013.

Q.No.I In Section 24(2) of the Act of 2013 in the expression “paid”, it is not necessary that the amount should be deposited in court as provided in section 31(2) of the Act of 1894. Non-deposit of compensation in court under Section 31(2) of the Act of 1894 dos not result in a lapse of acquisition under Section 24(2) of the Act, 2013. Due to the failure of deposit in court, the only consequence at the most in appropriate cases may be of higher rate of interest on compensation as envisaged under Section 34 of the Act of 1894 and not lapse of acquisition.

13. In the case on hand, the compensation amounts under the Old Act were made as revenue deposits by the second respondent. Therefore, the acquisition proceedings cannot be considered as lapsed. The petitioners, after initiation of the proceedings under the Old Act as well as the Tamil Acquisition of Land for Industrial Purposes Act, 1997, started to purchase the subject land thereby meddling and stalling the acquisition proceedings. It amounts to defeat the public purpose. Even before purchase of the subject lands by the petitioners, the State Government had conducted a prospecting operations of the area through the State Geological Branch way back in the year 1975 and accepted the request of the Tamilnadu Industrial Development Corporation Limited for the acquisition of a large extent of land for the purpose of setting up a cement factory and exploitation of



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limestone and it is only on coming to know of the same, the petitioners had played a pro-active role and took preemptive initiatives to acquire the land. Further, the counter filed by the respondents before the Hon'ble Supreme Court of India revealed that the Competition Commission of India has imposed a penalty of Rs.6,698/- crores against eleven private cement manufacturers including the Petitioners i.e. M/s.Madras Cements & M/s.Grasim Industries (presently M/s.Ultra Tech Cements) for indulging in a price cartel and making exorbitant profit as against their cost of production filed by the Builders Association of India which ultimately increases the project cost of Building & other infrastructure works carried out by the Public besides unemployment to the labour force. Controlling of cement price in the open market is one of the major challenges before Government as cement is one of the basic input for the construction works which often affects the construction & infrastructure development works not only in Tamilnadu but all over India and many labourers lost their employment due to sudden spurt in the open market prices by the private cement manufactures on their own since having major stakeholders in the production of cement who are ultimately deciding the price of cement by forming cartilsation. With a view to curtail the cement price in open market, the first respondent contemplated to enhance its capacity in Ariyalur by setting up another 1 million tonnes per annum by calculating the mineral wealth available in disputed area. Hence, the third respondent for its future development of cement approached the State Government for reservation and for acquisition. Even before getting approval under Section 37-A of Act, 1961, one of the petitioners M/s.Dalmia Cements started purchasing the lands and are now seeking relief under Section 24(2) of Act, 2013 which is wholly inapplicable. It is submitted that the petitioners i.e. M/s.Ramco Cements and



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M/s.Ultra Tech Cements purchased from the original land owners after the publication of the 4(1) notification of Act, 1894 which is neither tenable nor sustainable before the law.

*14. The grounds raised by the petitioners in these Writ Petitions have already been settled by the Hon'ble Supreme Court of India in the judgment reported in (2020) 8 SCC 129 in the case of **Indore Development Authority Vs. Manoharlal and ors etc.**, which held as follows :-*

“366. In view of the aforesaid discussion, we answer the questions as under:

1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of Act of 2013, there is no lapse of proceedings. Compensation has to be determined under the provisions of Act of 2013.

2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the Act of 2013 under the Act of 1894 as if it has not been repealed.

3. The word or used in Section 24(2) between possession and compensation has to be read as nor or as and. The deemed lapse of land acquisition proceedings under Section 24(2) of the Act of 2013 takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In



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other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

4. The expression 'paid' in the main part of Section 24(2) of the Act of 2013 does not include a deposit of compensation in court. The consequence of non-deposit is provided in proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance with the provisions of the Act of 2013. In case the obligation under Section 31 of the Land Acquisition Act of 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the Act of 2013 has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the Act of 1894.

5. In case a person has been tendered the compensation as provided under Section 31(1) of the Act of 1894, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). Land owners who had refused to accept compensation or



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who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the Act of 2013.

6. The proviso to Section 24(2) of the Act of 2013 is to be treated as part of Section 24(2) not part of Section 24(1)(b).

7. The mode of taking possession under the Act of 1894 and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).

8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

9. Section 24(2) of the Act of 2013 does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question



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the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.”

15. The Hon'ble Supreme Court of India settled all proposition of law in the above judgment including the grounds raised by the petitioners. The petitioners failed to satisfy the twin requirements under Section 24 (2) of the New Act, i.e., the physical possession of the land has not been taken over and the compensation has not been paid/tendered/deposited in accordance with law. In view of the dictum laid down by the Hon'ble Supreme Court of India, the issues raised by the petitioners were settled and therefore, the acquisition proceedings have not been lapsed by operation of law under Section 24 (2) of the new Act i.e., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. As such, the writ petitions are devoid of merits and liable to be dismissed.

16. In view of the above, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No order as to costs.”

Arguments made on behalf of the Petitioner:

12. The learned counsel appearing on behalf of the petitioner mainly contended that the acquisition proceedings, in respect of the subject lands, now stands lapsed because no award within the meaning of 1894 Act or within the meaning of 2013 Act was passed within a stipulated period of two years / or one year under the respective provisions of the enactments.

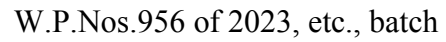


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Under Section 25 of the 2013 Act, an award is required to be passed within a period of one year from the date of notification under Section 19, failing which such proceedings shall be lapsed under Section 25.

13. The learned Senior Counsel for the petitioner drew the attention of this Court, with reference to the time available in between the Court proceedings, which was not availed by the competent authorities for the purpose of passing award and in this regard, the petitioner has stated that the limitation starts from 05.05.2017 and up to 23.4.2018, 353 days have lapsed and in respect of the other writ petitions, 387 days have lapsed and in total 730 days have lapsed from 01.01.2014. Therefore, the award was lapsed as per Section 25 of the 2013 Act. At the outset, the petitioner has contended that even after the disposal of the SLP by the Supreme Court, the competent authorities have failed to pass an award and therefore, the entire proceedings have become lapsed.

14. In view of Sections 24 and 25 of the 2013 Act, where no award has been made under Section 11 of the Land Acquisition Act 1894, then all provisions of this Act regarding the determination of compensation shall apply and in this regard the petitioner has relied upon the judgment of the



“56.1 Section 25 of the Act would apply to the awards made and published under Section 24 (1) (a) of the 2013 Act.

56.2 The limitation period for passing/making of an award under Section 24 (1) (A) in terms of Section 25 of the 2013 Act would commence from 01.01.2014 that is the date when the 2013 Act came into force.

56.3 *Period during which the court order would inhibit action on the part of the authorities to proceed with the making of the award would be excluded while computing the period under section 25 of the 2013 Act.”*

15. In the present case, no award has been passed which should have been made within a period of one year from 01.01.2014 i.e. the day on which (Right to Fair Compensation and Transparency in Land Acquisition) the new Act of year 2013 came into force. There was an interim stay till 05.05.2017 and stay of dispossession alone was granted which was vacated on 05.05.2017. Thereafter, till 23.04.2018, no interim order was in force. On 23.04.2018, there was an order of interim stay of



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dispossession, granted by this Court in W.P. No.30408 of 2017 batch. The said writ petitions were dismissed on 05.01.2022. Thereafter, no interim stay was in force. Therefore, calculation made by the petitioner is to be taken into consideration for the purpose of holding that the acquisition proceedings lapsed under Section 24 and 25 of the 2013 Act.

16. The learned Senior Counsel for the petitioner further contended that the submissions of the Respondents with regard to the constructive *res judicata* is totally incorrect in the light of the fact that when the earlier writ petitions were dismissed, no cause of action had arisen and it was only a benefit granted to the petitioner under Section 24(2) as per the orders of the Hon'ble Supreme Court. The arguments and the grounds raised in the present writ petition were not even available to the petitioner at that point of time since as on that date, it was very well within the provisions of the Act for the respondent to pass the award. Further, it was only a submission made by the Counsel for the petitioner that no award has been passed as per Section 11-A of the Land Acquisition Act, 1894. However, it appears that the award which is sought to be passed stands lapsed as per Section 24 and 25 of the 2015 Act as per the orders of the Hon'ble Supreme Court.



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17. Further, the lands were reserved under Rule 58 of the Minor Mineral Concessions Rules as early as in 1986 and subsequently, the said rule was deleted and with regard to the reservation made under the said rules, the Government of India, by its communication dated 21.04.2023 had clearly stated that no areas reserved under erstwhile Rule 58 of the Minor Mineral Concessions Rules, 1960, where production has not commenced or where it has discontinued for a period of 2 years immediately preceding the date of issue of this order, the reservation in respect of such areas shall lapsed on the date of issue of this order. Further, it is also provided under Clause (5) that the State Governments are directed to initiate the process for auction in respect of such areas which have been lapsed in accordance with the above directions. As such, the impleaded Respondent does not have any locus standi to have the lands reserved under rule 58 which is lapsed at present.

18. In the case of **Indore Development Authority Vs. Manoharlal and others, 2020 8 SCC 129**, wherein the Constitutional Bench has categorically and explicitly laid down and confirmed that claims for our old stale or time barred cannot reviewed and proceedings that have been concluded cannot be reopened after the Enactment of 2013 Act is



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concerned. The petitioner submits that the said judgement was taken into consideration by the Hon'ble Supreme Court any time for passing the award was interpreted in the light of Section 24 and 25 and 11-A of the 1894 Act and in the present case liberty was granted to agitate the rights under section 24 (2) to the petitioner.

19. Further, the submissions by the impleaded Respondent that the petitioner has made vexatious litigations and taken recourse to various and repetitive litigations is totally misconceived in the light of the fact that the petitioner has not stalled passing of the award by the Government and the petitioner was constrained to challenge the award since the same is against the provisions of the Act and Law and it is always open to the petitioner to take its remedy open under law. Further, there is no constructive res judicata in respect of the arguments made by the petitioner since the cause of action itself had arisen only when the Respondent has passed the award after the prescribed period under law. Hence, it is submitted that the entire proceedings and the passing of the award stands lapsed as per Section 24 and 25 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 and the writ petitions may be allowed.



Arguments made on behalf of the 4th Respondent:

20. The learned Senior counsel appearing on behalf of the 4th respondent mainly contended that the present writ petitions are vexatious and by way of multiplicity of writ proceedings, the petitioner is attempting to thwart the entire land acquisition proceedings. The present writ petitions are filed with an ulterior motive to collapse the land acquisition proceedings initiated and the continuous litigative process adopted by the petitioner is to be taken into consideration since the grounds raised by the petitioner in all respects were adjudicated and final orders were passed and the matter went up to Supreme Court, where the Supreme Court also dismissed the S.L.Ps. The liberty granted by the Supreme Court to a limited extent has been abused by the petitioner for the purpose of continuing the litigious process. Therefore, the present writ petitions are barred by the principles of res judicata. Reagitating the identical submissions in the present writ petitions are impermissible and therefore, the writ petitions are liable to be dismissed upon following the principles of constructive res judicata.



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21. The Supreme Court disposed of the Civil Appeals filed by the Petitioner herein and others in Civil Appeal Nos. 3410-3237 of 2008, only a limited liberty was granted to the petitioner to file an application under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Petitioner cannot traverse beyond the liberty granted by the Supreme Court, and the same must be harmoniously construed with the bar imposed upon the Petitioner with respect to the principle of res judicata. The Petitioner cannot agitate, or rather, reagitate untenable pleas and unsustainable submissions in order to protract the proceedings and avoid handing over possession of the lands which have been duly acquired.

22. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, has effectively repealed the Land Acquisition Act 1894, and after the commencement of the Central Act 30 of 2013, as on 01.01.2014, none of the provisions as under the Land Acquisition Act 1894 can be made applicable excepting for those specifically stated under Section 24 of the Central Act 30 of 2013. Thus, no other Section apart from Section 24 of the Central Act 30 of 2013 can be made applicable.



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23. In any event, it must be noted that any purported delay in the issuance of the award, as alleged by the Petitioner, is solely attributed to the Petitioner's own recourse to various and repetitive litigations. As a result, the Petitioner cannot derive any advantage from circumstances that they have themselves caused and effectuated into existence. This aspect gains further significance in light of the binding precedent established by the Constitutional Bench in the case of **Indore Development Authority vs. Manoharlal and Ors., (2020) 8 SCC 129**, wherein the Constitutional Bench has categorically and explicitly laid down and confirmed that claims that are old, stale, and time-barred cannot be revived, and proceedings that have been concluded cannot be reopened after the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

24. Furthermore, the submissions of the Petitioner in the present Writ Petition are also unsustainable in law in light of the judgment rendered by the Supreme Court in the case of **G. Mohan Rao vs. The State Of Tamil Nadu, (2022) 12 SCC 696** which upheld the validity of the Tamil/ Nadu Land Acquisition Laws (Revival of Operation,



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Amendment and Validation) Act, 2019. The Revival Act of 2019 is to take effect from 26.09.2013, and inter alia, revives the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. The present impugned Land Acquisition proceedings, with regard to the Petitioner's land, legitimately fall under the ambit of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, which does not prescribe any time-limit for passing of the award.

25. The Petitioner, at this belated stage, placed reliance on the Order of the Ministry of Industries Department, Government of India, dated 21.04.2023, and raised a new plea that the reservation of the mining area in favour of the Tamil Nadu Cement Corporation Limited, the Respondent herein, would lapse in case no mining lease is granted within a period of Five years from the date of reservation of the area. The Order passed by the Government of India as stated above does not apply to the facts and circumstances of the present case. The reservation in favour of the Respondents was made when Rule 58 of the Mineral Concession Rules, 1960 were part of the statute book. As a matter of fact, the reservation in favour of the Respondents was made on 25.08.1986, whereas, the provisions of Section 17-A of the Mines and Minerals (Development and



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Regulation) Act, 1957 was inserted in the statute book and came into effect only with effect from 10.02.1987. Hence, the reliance placed on the Government Order and the arguments based on the lapsing of the reservation is not sustainable in law and based on a misconception of the law governing the facts of the present case.

26. The Petitioner, further, has placed reliance on the judgment of the Supreme Court in **Executive Engineer Gosikhurd vs. Mahesh and Ors., (2022) 2 SCC 772 dated 10.11.2021** to buttress the submission that in the present cases where an award has been passed, the period of passing the same award had exceeded a time-period of 2 years, and therefore, the Acquisition Proceedings had lapsed. A closer reading of this Supreme Court judgment supports the case of the Respondent. In fact, even in the instant case as circumscribed by the Judgment which has been relied upon by the Petitioner, the Supreme Court has stated that in light of the factual matrix and circumstances of the circumscribed case in the Judgment, the award has been passed within time and the hence, the Acquisition Proceedings have not lapsed. Many of the observations made and the conclusion reached at by the Supreme Court are in favour of the Respondent.



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27. In any which event, it is reliably understood that the judgment rendered by the Hon'ble Supreme Court of India in the aforesaid Executive Engineer Gosikhurd case dated 10.11.2021 is currently the subject matter of a Curative Petition before the Supreme Court in Curative Petition No. 000185-000186/2023.

Arguments on behalf of respondents 1 to 3:

28. The learned Additional Advocate General appearing on behalf of the respondents 1 to 3 mainly contended that the present batch of writ petitions are an abuse of judicial process, since all the grounds raised were already adjudicated by the Apex Court of India and the issues have already been settled. The acquisition proceedings were held valid by the Hon'ble Supreme Court of India and now the petitioner, in order to prolong the proceedings have instituted writ petitions after writ petitions by raising flimsy grounds.

29. It is contended that the issues relating to Section 11-A of the 1984 Act were raised by the petitioners and the same was dismissed, upholding the acquisition proceedings initiated by the respondents. In



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respect of the subsequent writ petitions filed after the orders of the Supreme Court, this Court categorically rejected the submissions made under Section 24(2) of the New Act regarding the lapse of acquisition proceedings and thereby upholding the actions of the respondents. Neither Section 11-A of the old Act 1894 nor Section 25 of the New Act would apply to the facts and circumstances of the present case. All the cases of land acquisition initiated prior to the coming into force of Central Act 30 of 2013 are dealt with only under Section 24 of the new Act which is in the nature of the self contained code. Thus, application of time limit prescribed under the Repealed Act is unsustainable.

30. After the revalidation Act of 2019, which was upheld by the Supreme Court in **Mohan Rao and others Vs. State of Tamil Nadu reported in 2021 AIR(SC) 3126**, the acquisition of the land for the present purpose of a Cement Manufacturing Industry owned by the Government of Tamil Nadu should be completely excluded from the purview of Central Act 30 of 2013 except with regard to the provisions relating to compensation.



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31. The acquisition was upheld by the Supreme Court. The only liberty granted was based on the request made on behalf of the petitioner.

The pleas based on the Section 11-A of the 1894 Act or Act 30 of 2013 was very much available to the petitioner to seek liberty even before the Hon'ble Supreme Court. However, the petitioner did not do it. Having failed to do so, the petitioners are now estopped from raising the same at fag end of proceedings. Hence laches, waiver, res judicata and constructive res judicata, which all are raised in the present writ petitions, based on Section 11-A of the Act 1 of 1894 as well as under Section 25 of the Act 30 of 2013 cannot be entertained.

Conclusion:

32. The grounds raised by the writ petitioners were elaborately adjudicated during the first round of litigations in writ petitions, writ appeals and in special leave petitions. By virtue of the liberty granted by the Apex Court, second round of litigations are initiated by the petitioners. Even during the second round of litigation in a batch of writ petitions, this Court had considered all the issues including the grounds raised in the present writ petitions. By slightly improving or distinguishing the earlier grounds, the petitioners cannot now re-adjudicate the issues already upheld



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by the Hon'ble Supreme Court of India. By calculated way of drafting of grounds or slightly changing the grounds or providing a new interpretation for certain clauses of the land acquisition proceedings, the petitioner cannot re-adjudicate the issues which were already concluded by the Apex Court of India. Such an attempt by the litigants if permitted, would lead to an anomalous situation and the land acquisition proceedings cannot be concluded at any point of time. The petitioner cannot be allowed to take certain grounds since they failed to realise the same during the earlier rounds of litigations before the Hon'ble Supreme Court of India. Therefore, the grounds raised in the present writ petitions are absolutely untenable and the present writ petitions are nothing but frivolous.

33. The present writ petitions are the classic examples where the petitioner take undue advantage of the liberty granted by the Hon'ble Supreme Court of India to file a petition under Section 24 of the 2013 Act. By filing the writ petitions under the guise of Sections 24 and 25 of the new Act, the petitioner has made an attempt to re-adjudicate the entire issues. Even regarding the point of limitation raised, the writ petitioner is litigating the acquisition proceedings right from the year 1996 and the



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authorities are one way or the other restrained by the Courts from proceeding further on the acquisition proceeding initiated.

34. When frequent batch of writ petitions are filed, then and there, the interim orders are granted and are in force, the recurring of time limit, as made by the petitioner is absolutely untenable and the authorities may not be in a position to calculate the time limit based on the interim orders of the appeal filed and thereafter, interim order granted by the Division Bench of this Court and by the Hon'ble Supreme Court of India. At every stage the petitioner has obtained interim orders. In the writ petitions, writ appeals and in S.L.Ps., Interim orders were granted. After giving liberty, the petitioner has again instituted a writ petition. Therefore, the recurring of the limitation period based on the interim orders granted by the High Court and Hon'ble Supreme Court of India cannot be taken into consideration for the purpose of declaring the land acquisition proceedings as lapsed. Based on the repealed old Act, the petitioner cannot take any undue advantage. The new Act came into force with effect from 01.01.2014 and the contentions of the petitioner with reference to Section 11-A of the old Act was already negated by this Court.



35. The litigious tactics adopted by the petitioner for the past 27 years continuously would dis-entitle them from getting any relief from the hands of this Court. The petitioner has successfully delayed the land acquisition proceedings for the past about 27 years thereby causing prejudice to the public interest since the lands are proposed to be acquired for the benefit of the 4th respondent, which is a Government owned Cement Corporation. Since the grounds raised by the petitioner in its entirety were adjudicated and in respect of the claims now set out in the present writ petitions are untenable.

36. The writ petitioner has filed the chain of writ petitions instituted by them at every stage. However, they have successfully dragged on the acquisition proceedings for about 27 years. The grounds already adjudicated and decided were again raised in the present writ petition along with other grounds, which all are also untenable.

37. The present writ petitions are undoubtedly vexatious and are filed with an idea to defeat the entire land acquisition proceedings. Thus, the petitioner is not entitled for any relief. Awards are passed in the land acquisition proceedings. Thus, there is no impediment for the respondents



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to conclude the land acquisition proceedings in all respects by settling the compensation due to the erstwhile owners of the acquired lands. The respondents in this regard shall act as expeditiously as possible and the respondents are directed to take possession of the acquired lands immediately.

38. The writ petitioner has not established any semblance of legal rights and thus, they are not entitled for the relief as such sought for in the present writ petitions.

39. Accordingly, the writ petitions are **dismissed**. No costs. Consequently connected miscellaneous petitions are closed.

(sha/jeni)
Index : Yes
Speaking Order
Neutral Citation : Yes

22.08.2023



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To

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- 1.The Secretary to Government,
The State of Tamil Nadu,
Industries (MMA2) Department,
Secretariat, Fort St. George, Chennai.
- 2.The Revenue Divisional Officer, Ariyalur.
- 3.The Special Tahsildar (LA),
TANCEM, Ariyalur.



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S.M.SUBRAMANIAM. J.,

(sha/jeni)

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22.08.2023