



WEB COPY

W.P. No.4087 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.4087 of 2018

G.Balasubramanian

... Petitioner

Vs.

1. The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Fort St. George
Chennai - 600 009
2. The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai - 600 035
3. The Special Tahsildar (LA-Unit II)
Tamil Nadu Housing Board
Nandanam, Chennai - 600 035
4. The Assistant Director
Town and Country Planning
Zonal Joint Director (Incharge)
Chengalpattu Zone
No.124, G.S.T. Road,
Chengalpattu - 603 001
5. The Zonal Joint Director
Town and Country Planning
No.124, G.S.T. Road,
Chengalpattu - 603 001

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of declaration declaring that the entire acquisition proceedings in pursuance of the Notification under Section 4(1) of the Land Acquisition act, made in GO Ms.No.680/Housing and Urban Department dated 17.07.1989 and the Declaration under Section 6 of the Land Acquisition Act, in G.O.Ms.No.1033 (Housing and Urban Department) dated 28.08.1990 and the Award passed in Award No.1 of 2001 dated 12.10.2001 insofar as the petitioner's lands are concerned in Survey Nos.87/2B1, 87/2B2, 87/2B3 and 87/2B4, measuring 50795 Sq.ft. equal to 1.16 1/2 acres in No.241, Alapakkam Village, Chengalpattu Taluk, Kancheepuram District, having lapsed by efflux of time by virtue of Section 11-A of the Land Acquisition Act.

For Petitioner : Mr.M.S.Subramanian

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1, R3, R4 and R5
: Mr.A.M.Ravindranath Jeyapal
Standing Counsel for TNHB for R2

**ORDER**

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The Writ Petition is filed seeking to issue a Writ of Declaration declaring that the entire acquisition proceedings in pursuance of the Notification under Section 4(1) of the Land Acquisition Act, made in G.O. Ms.No.680/Housing and Urban Department, dated 17.07.1989 and the Declaration under Section 6 of the Land Acquisition Act, in G.O.Ms.No.1033 (Housing and Urban Department) dated 28.08.1990 and the Award passed in Award No.1 of 2001, dated 12.10.2001 insofar as the petitioner's lands are concerned in Survey Nos.87/2B1, 87/2B2, 87/2B3 and 87/2B4, measuring 50795 Sq.ft. equal to 1.16½ acres in No.241, Alapakkam Village, Chengalpattu Taluk, Kancheepuram District, having lapsed by efflux of time by virtue of Section 11-A of the Land Acquisition Act.

2. The contention of the learned counsel for the petitioner is that the Award has to be passed within two years from the date of Declaration. But in this case, the Award has not been passed under Section 11-A of the Land Acquisition Act. Therefore, the Declaration itself gets lapsed. Hence, the present petition is filed challenging the entire acquisition proceedings.



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3. Heard and perused the materials available on record.

4. Admittedly, in this case, the date of Declaration under Section 6 of the Land Acquisition Act is 28.08.1990. But the Award has been passed only on 12.10.2001. Since the mandatory provision of Section 11-A of the Act has not been complied with, the Declaration itself is quashed.

5. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. The respondents are at liberty to initiate the proceedings under the new Act.

15.12.2023

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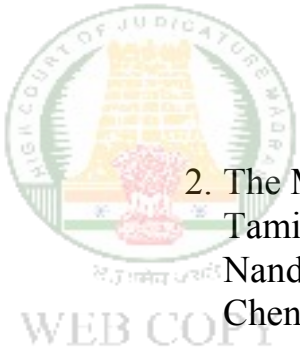
Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To

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P.VELMURUGAN. J.

Ksa-2

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(1/4)