



W.P.Nos.21702 and 21703 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.10.2023

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.Nos.21702 and 21703 of 2015

Glory Selvi .. Petitioner in W.P.No.21702/15

Nirmala Thangarani .. Petitioner in W.P.No.21703/15

Versus

1. The Secretary,
Government of Tamilnadu,
Department of Housing and Urband Development,
Fort St. George, Chennai – 09.
2. The Collector,
Kanchipuram District, Kanchipuram.
3. The Chairman and Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai – 35.
4. The Special Tahsildar,
(Land Acquisition II),
Tamilnadu Housing Board Scheme,
Nandanam, Chennai – 35.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Declaration declaring that the entire land



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acquisition proceedings in respect of the Award dated 26.03.1993 passed by 4th respondent in Award No.1/1993 initiated under the Land Acquisition Act, 1894, regarding the property situate in Rajakulipettai Village, Chengalpet Taluk, Kanchipuram District bearing Survey Numbers 41A/1B1, 53/2, 54/1A1 totally measuring Ac.0.56 and 53/3 & 54/1 totally measuring Ac.0.59 belonging to the petitioners respectively as lapsed.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.V.Veluchamy,
Addl.Govt. Pleader for R1, R2 & R4

Mr.A.M.Ravindranath Jeyapal for R3

ORDER

The main grievance of the writ petitioners is that their lands have been acquired and award No.1/1993 has also been passed, but possession was not taken and the amount has also not been paid. Therefore proceedings under the Land Acquisition Central Act, 1894, are lapsed and they are entitled to get back their lands.

2 Learned counsel appearing for the petitioners would submit that the petitioners' lands have been acquired and even though Award came to be passed as early as on 26.03.1993 vide Award No.1/1993, physical possession of the land has not been taken and the petitioners are



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still in possession of the lands and hence they are entitled to the benefit of

Section 24(2) of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013).

3 Learned counsel appearing for the third respondent contended that in the first case award amount has been paid to the petitioner and she also gone for enhancement in L.A.O.P.No.35 of 2001, which is pending and in respect of other case, the award amount has been deposited in the revenue record and reference under Section 18 of the Act was made, which is also pending. Therefore the petitioners are not eligible to get back their lands.

4 Heard the learned counsel appearing for the petitioners and the respondents and perused the materials available on record.

5 It is the main contention of the writ petitioners that even though Award was came be passed in the year 1993, no compensation was paid and physical possession was also not taken and hence they are entitled to retain the possession of their lands. Per contra, it is contended by the third respondent TNHB that compensation amount has been paid and possession



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was also taken and hence the petitioners are not entitled to get back their lands.

6 It is seen in the counter filed by the third respondent/Tamilnadu Housing Board, it is clearly stated that Award amount has been paid and in one case it has been deposited and further in both the cases, dispute is pending before the Subordinate Court. Therefore once Award is passed and possession also taken and the matter also pending before the Civil Court, no order can be passed in these writ petitions.

7 In view of the above, both the writ petitions are dismissed. However, the petitioners are at liberty to workout their remedy in the manner known to law. No costs.

19.10.2023

Index: Yes/No
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To

1. The Secretary,

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