



W.P.No.16866 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.16866 of 2016
and
W.M.P.No.14460 of 2016

M.V.Sivarajan

... Petitioner

Vs.

1. State,
Rep. by its Secretary,
Housing & Urban Development Dept.,
Fort St. George, Chennai-9.

2. Tamil Nadu Housing Board,
Rep. by its Managing Director,
No.33, Anna Salai,
Nandanam, Chennai-35.

3. The Executive Engineer,
Tamil Nadu Housing Board,
Bhagalur Road, Hosur-635109.

4. The Special Tahsildar (L.A.),
Hosur Housing Scheme,
Bhagalur Road, Hosur,
Krishnagiri District.

... Respondents



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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 initiated under the Land Acquisition Act 1894 in respect of land measuring an extent of 20 cents comprised in Survey No.929/1B, Hosur Village and Taluk, Krishnagiri District, covered by Notification issued under Section 4(1) of Land Acquisition Act, 1894 vide G.O.Ms.No.1459, Housing and Urban Development Department, dated 15.11.1991 and Declaration under Section 6 of Land Acquisition Act 1894 vide G.O.Ms.No.20, Housing and Urban Development Department, dated 08.01.1993 deemed to have lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.

For Petitioner : Mr.R/Bharath Kumar

For Respondents : Mr.S.Ramachandran, Senior Counsel,
(for R2 and R3).

Mr.P.Gurunathan,
Additional Government Pleader,
(for R1 and R4).

ORDER

The writ petition is filed in the nature of Declaration, declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894, in respect of land measuring an extent of 20 cents, comprised in Survey No.929/1B, Hosur Village and Taluk, Krishnagiri District, covered



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by Notification issued under Section 4(1) of Land Acquisition Act, 1894, vide G.O.Ms.No.1459, Housing and Urban Development Department, dated 15.11.1991 and Declaration under Section 6 of Land Acquisition Act, 1894, vide G.O.Ms.No.20, Housing and Urban Development Department, dated 08.01.1993, are deemed to have lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.

2. The learned counsel for the petitioner would submit that the lands measuring an extent of 2 acres and 86 cents, comprised in Survey No.929/1B of Hosur Town, Krishnagiri District, originally belonged to one Channappa, S/o.Nanjappa, who acquired title to the said land under a Settlement Deed dated 22.06.1973, registered as document No.2326/1973, in the office of the Sub Registrar, Hosur. The aforesaid Chinnappa developed the said land and made a layout of house sites and sold a land measuring an extent of 20 cents to the petitioner under a sale deed dated 10.0.1982, registered as document No.547/1982 in the office of the Sub Registrar, Hosur, and since then, the petitioner is in peaceful possession and enjoyment of the said property.



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3. The 1st respondent initiated acquisition proceedings for the above said land under the Central Act, namely Land Acquisition Act, 1894, for the purpose of construction of houses under Neighbourhood Scheme of Hosur, at the instance of the 2nd respondent herein. Thereafter, an award enquiry was also conducted on 19.12.1994 and the award was also passed on 12.01.1995 in Award No.1/1995.

4. The learned counsel for the petitioner further submitted that as of now, the possession of the above said land is still with the petitioner and the compensation determined in respect of the said land, also has not been paid to the petitioner. Therefore, the entire Land Acquisition Proceedings initiated under the Central Act, 1894, have lapsed, in view of Section 24(2) of the New Act. However, the adjacent land owner filed a writ petition and got their Patta. The petitioner being a similarly placed person, who is an adjacent owner, is also entitled to relief to get the Patta back. Further, he would submit that in the year 1994, as the land was exempted from the acquisition, this writ petition may be allowed.

5. Learned Additional Government Pleader, representing 1st and 4th respondents, submitted that the land was acquired for the purpose of



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construction of houses under Neighbourhood Scheme of Hosur and after taking the possession of the said land, the possession was handed over to the Housing and Urban Development Department and almost 50% of the land has already been utilised. Since the possession was taken and the amount was deposited immediately after taking the possession, the petitioner is not entitled for the relief under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013.

6. Though the learned counsel for the petitioner would place the orders of this Court dated 21.07.2022 in W.P.No.12003 of 2017 where the adjacent owners obtained the Patta and based on which this Court has to direct the authority to issue the Patta to the petitioner, the learned Additional Government Pleader would submit that there is an Appeal pending against the same, before the Division Bench of this Court.

7. Therefore, considering the fact that, after acquisition of the said land, the possession was taken and a portion of the acquired properties has also been utilised and also the amount has already been deposited in the Treasury in favour of the petitioner, though the payment of amount of



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compensation to the Treasury may not be credited to the petitioner, but the compensation awarded was deposited in petitioner's favour. However, in the earlier days, the amounts were deposited only in the Treasury, but now it is being deposited before the Civil Court. Further, the issue raised is before the year 1994 and therefore, the learned Government Advocate produced documents for taking over the possession of the said property and also of depositing the award amount in favour of the petitioner. Therefore, under these circumstances, the writ petition is not entitled for the relief as such sought for in the present writ petition.

8. With the above observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.11.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To

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Fort St. George, Chennai-9.

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Tamil Nadu Housing Board,
No.33, Anna Salai,
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P.VELMURUGAN. J.,

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