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W.P.Nos.3363, 3364, 3365, 366, 3642, 5900 and 5901 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.3363, 3364, 3365, 366, 3642, 5900 and 5901 of 2015
and

M.P.Nos.1,1,1,1,1,1 and 1 of 2015

Mubeen Taj

... Petitioner
in W.P.No.3363 of 2015

Rafia Banu

... Petitioner
in W.P.No.3364 of 2015

Y.Irfan Khan

... Petitioner
in W.P.No.3365 of 2015

R.Venkatesan

... Petitioner
in W.P.No.3366 of 2015

N.Akaram

... Petitioner
in W.P.No.3642 of 2015

B.Abdul Raheem

... Petitioner
in W.P.No.5900 of 2015

N.Sashikala

... Petitioner
in W.P.No.5901 of 2015

versus

Pg.Nos.1/14



W.P.Nos.3363, 3364, 3365, 366, 3642, 5900 and 5901 of 2015

1.State rep.by its Secretary,
Housing & Urban Development Dept.,
Fort St.George,
Chennai-600 009.

2.Tamil Nadu Housing Board,
Rep.by its Managing Director,
No.33, Anna Salai,
Nandanam, Chennai – 600 035.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Bhagalur Road,
Hosur – 635 109.

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

... Respondents
in all W.Ps.

Common Prayer :

Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Declaration declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of land bearing Plot Nos. 192 (1200 sq.ft), 191 (1200 sq.ft) comprised in new Survey No.704/7 (old Survey Nos.704/2) [W.P.Nos.3363 and 3364 of 2015] ; Plot Nos.183 (1200 sq.ft) and 184 (1200 sq.ft) comprised in new Survey No.704/2B1A (old Survey No.704/2) [W.P.No.3365 of 2015] ; Plot No.228 (1200 sq.ft) comprised in new Survey No.704/3A1B (old Survey



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No.704/3) [W.P.No.3366 of 2015] ; Plot No,189(1200 sq.ft) comprised in new Survey No.704/2B2 (old Survey No.704/2) [W.P.No.3642 of 2015] ; Plot No.194 (1200 sq.ft) comprised in New Survey No.704/4 as per patta No.2108 dated 26.12.2013 (old Survey No.704/2B1A) [W.P.No.5900 of 2015] ; and Plot Nos.217, 218 and 229 totally measuring an extent of (3170 sq.ft) comprised in Survey No.704/3 as per patta No.2774 New Survey No.704/11 [W.P.No.5901 of 2015], respectively in Chennathur Village, Hosur Taluk, Krishnagiri District, covered by Notification issued under Section 4(1) of Land Acquisition Act, 1894 vide G.O.Ms.No.814, Housing and Urban Development Department, dated 14.05.1991 and Declaration under Section 6 of Land Acquisition Act, 1894 vide G.O.Ms.No.456, Housing and Urban Development Department, dated 23.07.1992 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 Petitioners : Mr.R.Bharath Kumar
in all W.Ps

For Respondents : Mr.S.Silambanan
Additional Advocate General
Assisted by Mr.Yogesh Kannadasan
Special Government Pleader
for R1 and R4
in all W.Ps
Mr.S.Ramachandran
Standing counsel for R2 and R3
in all W.Ps

COMMON ORDER

Pg.Nos.3/14



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These writ petitions have been filed seeking to issue Writ of Declaration declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of land bearing Plot Nos. 192 (1200 sq.ft), 191 (1200 sq.ft) comprised in new Survey No.704/7 (old Survey Nos.704/2) [W.P.Nos.3363 and 3364 of 2015] ; Plot Nos.183 (1200 sq.ft) and 184 (1200 sq.ft) comprised in new Survey No.704/2B1A (old Survey No.704/2) [W.P.No.3365 of 2015] ; Plot No.228 (1200 sq.ft) comprised in new Survey No.704/3A1B (old Survey No.704/3) [W.P.No.3366 of 2015] ; Plot No,189(1200 sq.ft) comprised in new Survey No.704/2B2 (old Survey No.704/2) [W.P.No.3642 of 2015] ; Plot No.194 (1200 sq.ft) comprised in New Survey No.704/4 as per patta No.2108 dated 26.12.2013 (old Survey No.704/2B1A) [W.P.No.5900 of 2015] ; and Plot Nos.217, 218 and 229 totally measuring an extent of (3170 sq.ft) comprised in Survey No.704/3 as per patta No.2774 New Survey No.704/11 [W.P.No.5901 of 2015], respectively in Chennathur Village, Hosur Taluk, Krishnagiri District, are covered by Notification issued under Section 4(1) of the Land Acquisition Act, 1894 vide G.O.Ms.No.814, Housing and Urban Development Department, dated 14.05.1991 and



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Declaration under Section 6 of Land Acquisition Act, 1894, vide G.O.Ms.No.456, Housing and Urban Development Department, dated 23.07.1992 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 brief facts of the case are as follows:

2.1. Originally, the lands measuring an extent of 0.48.5 hectares comprised in S.No.704/3 of Chennathur Village, Hosur Taluk, Krishnagiri District, belonged to one Ramappa and others, who are the legal heirs of one Venkatasamy. Similarly, the lands measuring an extent of 0.64.0 hectares in S.No.704/2 in Chennathur Village originally belonged to one Lakshamma. Both the lands are adjacent to each other. The above said land owners appointed one S.N.Ramachandran as their Power of Attorney Agent to develop the said lands into house-sites and to sell it to third parties. While so, the said Power of Attorney developed the said lands and divided the same into various house-sites. The petitioners herein are the subsequent purchasers of the subject properties. When the petitioners are taking steps to



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construct a residential house in the said plots, the officials of respondents 2 and 3 herein have obstructed the same stating that the said lands had already been acquired by the first respondent for housing scheme to be promoted by the second respondent.

2.2. The petitioner and his vendors have not been issued with any notice of such acquisition proceedings and the subject matter of properties are free from all encumbrances. Though the fourth respondent has stated that the lands were already acquired by the Government, the physical possession of the same has not been taken over and the lands were handed over to the Tamil Nadu Housing Board. After verification of the entire revenue records and also after satisfying with the title of the petitioners' predecessors, the petitioners have purchased the said properties. Ever since they are in peaceful possession and enjoyment of the same as on today.

2.3. Further, the petitioners came to know that the first respondent had issued a notification under Section 4(1) of Land Acquisition Act, vide G.O.Ms.No.814 Housing and Urban Development Department, dated



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14.05.1991, subsequently, a declaration under Section 6 of the Land Acquisition Act was also issued, vide G.O.Ms.No.456, Housing and Urban Development Department, dated 23.07.1992 and an Award was also passed, vide Award No.13/94 in Na.1295/90 dated 29.07.1994.

2.4. Further case of the petitioners is that the Government of India enacted a New Act viz., "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013" [hereinafter referred to as "the New Act"]. Since Award was passed on 29.07.1994 and the possession of the subject matter remains with the petitioners and no compensation has been either paid to the petitioners or the amount of the compensation deposited in the Court, and further, the petitioners' predecessors-in-title also did not receive any compensation and hence, the entire Land Acquisition Proceedings stood lapsed, in view of Section 24(2) of the New Act. Hence, the petitioners are before this Court seeking for appropriate remedy.

3. The learned counsel for the petitioners submitted that as per



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Section 24(2) of the New Act, in cases of Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894, where an Award under Section 11 has been made five years or more prior to the commencement of the New Act, but the physical possession of the land has not been taken or the compensation has not been paid, the Land Acquisition Proceedings shall be deemed to have lapsed. Admittedly, in the present case, Award was passed on 29.07.1994, but the physical possession has not been taken from the petitioners and no compensation has been paid to the petitioners or deposited in the Court, and therefore, the entire acquisition proceedings stood lapsed, in view of Section 24(2) of the New Act.

4. The learned Standing Counsel appearing for respondents 2 and 3 filed detailed similar counter affidavits in W.P.Nos.3363 to 3366 of 2015, in which, common paragraph No.3 with change in Survey Numbers, is extracted hereunder :

"3.The contents in para No.4 to 6 of the affidavit in support of the writ petitions are denied. The Award amount was received from the fourth respondent through Cheque No.60001 dated 28.07.1994 and the same was deposited in the Sub-Treasury vide



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Challen No.174 dated 04.08.1994. Originally the lands in S.F.No.704/2 and 704/3 were sub divided as 704/2A, 2B2, 2C, 704/3A2 and 3B. Out of these Survey Numbers the following Survey Numbers namely S.Nos.704/2A, 2B2, 2C, 704/3A2 and 3B are covered under Land Acquisition.

The petitioners who have purchased the properties to an extent of each 1200 sq.ft in Plot Nos.192, 191, 183, 184 and 228 (as seen from the respective counter affidavits). The sale deed executed in the year of 1989 in favour of Govindasamy, R.Chinnathambi in which survey numbers has been mentioned as 704/7, 704/2, 704/2. The said survey number was sub divided even at the time of land acquisition proceedings. But the petitioners mentioned a New Survey Number 704/7 strangely. Regarding the said manipulation of revenue records the third respondent herein has sent a communication in this Letter No.P2/8569/89 dated 28.01.2015 to cancel the patta issued in favour of the subsequent purchasers/ encroachers. It is pertinent to note that one S.N.Ramachandran power agent of original land owners has appeared for Section 5 A enquiry and he was aware of the sub division of lands. The total extent of the lands acquired 0.65.0 Hectares. The Section 24(2) of the Act in "The Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (Central Act No.30 of 2013) is not applicable to the petitioners."



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Therefore, the petitioners are not entitled for the prayer sought for in these writ petitions.

5. Admittedly, the first respondent had issued a notification dated 14.05.1991, vide G.O.Ms.No.814, Housing and Urban Development Department, under Section 4(1) of Land Acquisition Act to acquire the lands to an extent of 303.62 acres in Chennathur Village for formation of Hosur Neighbourhood Scheme Ph.XV. Subsequently, a declaration under Section 6 of the Land Acquisition Act was issued in G.O.Ms.No.456, Housing and Urban Development Department, dated 23.07.1992. Thereafter, the fourth respondent passed an Award to an extent of 29.11 acres in Award No.13 of 1994 dated 29.07.1994. The possession of the said lands, was handed over to the Tamil Nadu Housing Board. Further, the Award amount was received from the fourth respondent through Cheque No.60001, dated 28.07.1994 and the same was deposited in the Sub-Treasury, vide Challen No.174 dated 04.08.1994. The subject matter of the lands are also covered in the said acquisition proceedings. The petitioners herein are the subsequent



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purchasers of the subject matter of properties and they have purchased the said lands after acquisition proceedings and after deposit of Award amount in Treasury.

6. The learned counsel for the petitioners contended that even their vendor's names were also not found in the acquisition proceedings and as per the New Act, the acquisition proceedings shall stand as lapsed. Further contention of the learned counsel for the petitioners is that since they are the *bona -fide* purchasers of the subject properties, for valuable consideration and therefore, as per the New Act, they are entitled to get fair compensation.

7. It is seen from the records that already acquisition proceedings were completed as early as on 22.09.1994 and subsequently, the Award amount was also deposited in the Treasury and it is for the petitioners to work out their remedy in the manner known to law, if at all they are having title and possession in the subject matter of properties. Since the petitioners have no *locus standi* to file these writ petitions, after twenty years from the



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date of completion of acquisition proceedings and after deposit of amount in the treasury, these writ petitions are not maintainable.

8. In the light of the above facts and circumstances, this Court does not find any merit in these writ petitions and the same are liable to be dismissed. Accordingly, these writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be order as to costs.

19.10.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

- 1.The Secretary,
Housing & Urban Development Dept.,
Fort St.George,
Chennai-600 009.
- 2.The Managing Director,
Tamil Nadu Housing Board,
No.33, Anna Salai,
Nandanam, Chennai – 600 035.
- 3.The Executive Engineer,
Tamil Nadu Housing Board,
Bhagalur Road,
Hosur – 635 109.
- 4.The Special Tahsildar (LA),
Hosur Housing Scheme,
Bhagalur Road,
Hosur, Krishnagiri District.



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P.VELMURUGAN, J.

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