



W.P.No.37154 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.37154 of 2015

1. M.C.Padma
W/o.Late G.Purushothaman
 2. C.S.Geetha
W/o.Late M.C.Chandrasekhar
- ... Petitioners

versus

1. The State of Tamil Nadu
Rep. by its Principal Secretary to the Government
Housing and Urban Development Department
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
Bagalur Road
Hosur - 635 109.
 4. The Special Tahsildar (LA)
Hosur Housing Scheme
Bagalur Road
Krishnagiri District.
- ... Respondents



W.P.No.37154 of 2015

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of declaration declaring that the lands to an extent of 4.53 acres (1.83.5 Hectares) comprised in Survey No.700 situated at Chennathur Village, Hosur Taluk, Krishnagiri District covered by notification issued under Section 4(1) of the Land Acquisition Act in G.O.Ms.No.814 Housing and Urban Development Department dated 14.05.1991 and the same was published in Tamil Nadu Government Gazette on 05.06.1991 and Section 6 Declaration issued in 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 Resettlement Act, 2013.

For Petitioners	:	Mr.R.Bharath Kumar
For Respondents	:	Mr.P.Gurunathan Additional Government Pleader for R1 and R4 Mr.S.Ramachandran Standing Counsel for R2 and R3

ORDER

This writ petition has been filed seeking for a Writ of Declaration declaring that the lands measuring an extent of 4.53 acres (1.83.5 Hectares) comprised in Survey No.700 situated at Chennathur Village, Hosur Taluk, Krishnagiri District covered by notification issued under Section 4(1) of the Land Acquisition Act vide G.O.Ms.No.814 Housing and Urban



W.P.No.37154 of 2015

Development Department dated 14.05.1991, published in Tamil Nadu Government Gazette on 05.06.1991 and Section 6 Declaration issued in G.O.Ms.No.456 Housing and Urban Development Department, dated 23.07.1992 deemed to have been lapsed in view of Section 24(2) of 'the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' ['New Act'].

2. According to the petitioners, they purchased the subject lands jointly under a registered sale deed dated 11.01.1990 vide Document No.148 of 1990 on the file of SRO, Hosur from Narayannappa and others. Ever-since the date of purchase, the petitioners are in joint possession and enjoyment of said lands by remitting necessary taxes. The revenue records have also been mutated in their names. While that be so, the petitioners approached the Nationalized Banks for obtaining loan in order to develop the subject lands and they were instructed to obtain 'No Objection Certificate' from the Tahsildar certifying that the subject lands are not covered under any land acquisition proceedings. When the petitioners approached the Tahsildar, they came to know that the first respondent herein



W.P.No.37154 of 2015

issued a notification 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 the same was published in Tamil Nadu Government Gazette on 05.06.1991 proposing to acquire the subject lands and others for the purpose of forming a Housing Scheme for the benefit of second respondent-Tamil Nadu Housing Board. Subsequently, G.O.Ms.No.456 Housing and Urban Development Department dated 23.07.1992 was also issued. The writ petitioners have filed objections stating that the land acquisition proceedings are not maintainable and the subject lands proposed to be acquired are being used for agricultural purpose and the subject lands will not be fit for any housing purpose. Though the land acquisition proceedings were completed, the possession of the subject lands have not been taken over and handed over to the second respondent - Tamil Nadu Housing Board for the purpose for which the lands were acquired. It is pertinent to note that the award was passed on 03.08.1994 and no amount has been deposited by the Land Acquisition Officer in respect of the subject lands. Though the award was passed on 03.08.1994, possession of the subject lands have not been taken so far, no amount has been paid to the petitioners



W.P.No.37154 of 2015

and therefore, the entire land acquisition proceedings initiated under the New Act have been lapsed in view of Section 24(2) of New Act. The subject lands in question are not fit for the housing purposes as the same are being used for agricultural purpose. Hence, the petitioners are before this Court.

3. The learned counsel for petitioners submits that though the subject lands were acquired by the Government, neither the amount was paid nor the possession of the subject lands were taken and still the subject lands are in the possession of the writ petitioners. Hence, according to Section 24(2) of New Act, acquisition proceedings is deemed to have been lapsed. He further submitted that the respondents have not produced any records to show that they have taken possession of the subject lands and the amount has been paid.

4. The learned Additional Government Pleader for respondents 1 and 4 submitted that when the amount was paid to the petitioners, the petitioners did not receive the said amount. He further submitted that though the



W.P.No.37154 of 2015

amount has already been deposited in the Treasury, Hosur, the petitioners have not taken any steps to withdraw the amount from the Treasury. He further submitted that subject lands were taken possession and handed over to the Housing Board where some of the portions of the lands were utilized and some of the portions are kept vacant. Since the award amount has already been deposited well before the New Act came into force and also possession was taken, the contention of the learned counsel for the petitioner that the acquisition proceedings have been lapsed under Section 24(2) of New Act is incorrect and the writ petition is liable to be dismissed.

5. Heard both sides.

6. On a perusal of the records produced by the respondents shows that the subject lands were acquired and the amount was also deposited in the Treasury, Hosur. Some of the land owners have received the amount whereas the petitioners have not approached the Treasury and received the amount and the amount is still lying in the Treasury, Hosur. As far as the possession is concerned, the respondents have stated that the possession has



W.P.No.37154 of 2015

been taken and the portions of acquired lands were utilized and some of the portions of acquired lands are kept vacant. If the acquisition proceedings is completed under due process of law, the amount is paid / deposited, the possession of the land was taken over and handed over to the Housing Board and portion of the land was utilized, the land owners and other persons cannot say that no possession has been taken by the Government. Though the acquisition proceedings have been completed well before the New Act came into force, the amount was deposited and possession was also taken, the petitioners are not entitled to the relief as sought for in this writ petition.

7. Accordingly, this writ petition is dismissed. The petitioners, if otherwise eligible, are at liberty to withdraw the amount already deposited in the Treasury, Hosur. There shall be no order as to costs.

17.11.2023

Speaking/Non-speaking order

Index: Yes/No

Neutral citation : Yes/No

mk

Pg.Nos.7/9



W.P.No.37154 of 2015

WEB COPY

To

1. The State of Tamil Nadu
Rep. by its Principal Secretary to the Government
Housing and Urban Development Department
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
Bagalur Road
Hosur - 635 109.
4. The Special Tahsildar (LA)
Hosur Housing Scheme
Bagalur Road, Krishnagiri District.



WEB COPY



W.P.No.37154 of 2015

P.VELMURUGAN, J.

mk

W.P.No.37154 of 2015

17.11.2023
(2/2)

Pg.Nos.9/9