



WEB COPY

W.P. No.18986 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.18986 of 2018

1. P.S.Vishalakshi
2. P.S.Madhusudhan
3. P.S.Preetham

... Petitioners

Vs.

1. State rep. by its Principal Secretary
Tamil Nadu Housing & Urban
Development Department
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 (L.A.),
Hosur Housing Scheme
Bhagalur Road
Hosur, Krishnagiri District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the 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 half undivided share of the lands measuring an extent of 4.50 acres comprised in Survey No.682 and 0.42 acres in Survey No.683 situate at Chenathur Village, Hosur Taluk, Krishnagiri District, 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

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 and R4
Mr.S.Ramachandran
Standing Counsel for R2 and R3

ORDER

This Writ Petition is filed seeking to issue a writ of Declaration declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894, in respect of half undivided share of the lands measuring an extent of 4.50 acres, comprised in Survey No.682 and 0.42 acres in Survey No.683 situate at Chenathur Village, Hosur Taluk, Krishnagiri District, 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. Mr.S.Ramachandran, learned Standing Counsel for TNHB, appearing for the respondents 2 and 3 submitted that already the land was acquired and award was also passed on 30.07.1994 itself and that the amount of compensation was also deposited before the Treasury. Further, the possession was taken and for the beneficiaries, it was divided as housing sites and more than 64% of house sites have been granted to the beneficiaries and patta also transferred in their names.

3. Since the possession has already been taken and the same has also been used as stated above, the lapse under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 would not arise. Therefore, there is no merit in the Writ Petition and the same is liable to be dismissed.

4. Accordingly, the Writ Petition is dismissed. The petitioners are at liberty to work out their remedy for withdrawing the amount of compensation already deposited. There shall be no order as to costs.

11.12.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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