



W.P.No.24047 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24047 of 2022
and
W.M.P.No.23009 of 2022

1.G.Ponnurangam
2.Subramani
3.Sabapathy
4.Perumal

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Department of Adi-Dravidar & Tribal Welfare,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The Revenue Divisional Officer,
Thiruttani Revenue Division,
Thiruttani,
Thiruvallur District.



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4.The Tahsildhar,
R.K.Pettai Taluk,
R.K.Pettai,
Thiruvallur District.

5.The Special Tahsildhar,
Land Acquisition,
Adi Dravidar (ADW) Welfare Scheme,
Thiruttani,
Thiruvallur District.

6.The Superintendent of Police,
Tiruvallur District.
[R6 suo motu impleaded vide
order dated 27.09.2023]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that the land acquisition proceedings initiated against the petitioner's lands in S.No.107/2, 107/6 and 109/8 and 109/9, situated at Rajanagaram Village, R.K.Pettai Taluk, Thiruvallur District in pursuant to the 4(1) Notification issued in G.O.3D No.937, Adi-Dravidar and Tribal Welfare Department dated 25.10.1991 and consequential declaration under Section 6 issued in G.O.3D.No.646, Adi-Dravidar and Tribal Welfare Department dated 08.09.1992 issued by the 1st respondent are illegal, unconstitutional and lapsed virtue of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).



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For Petitioners : Mr.K.Balu
For Respondents : Mr.J.Ravindran,
Additional Advocate General,
Assisted by
Mr.T.Venkatesh Kumar,
Special Government Pleader.

ORDER

A Writ of Declaration on hand has been instituted to declare that the land acquisition proceedings initiated against the petitioners' lands in Survey Nos.107/2, 107/6, 109/8 and 109/9 situated at Rajanagaram Village, R.K.Pettai Taluk, Thiruvallur District in pursuant to the 4 (1) Notification issued in G.O.3D No.937, Adi-Dravidar and Tribal Welfare Department dated 25.10.1991 is null and void.

2.The petitioners state that they are the absolute owners of the subject lands which were acquired by the Government under the provisions of the Land Acquisition Act. As per the petitioners, an extent of 4.84 acres of land in Survey Nos.107/2, 107/5 dry, 107/6, 107/7, 109/8, 109/9, 109/10A, 109/10B, 109/10C, 109/11 and 109/12 have been acquired for the purpose



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of providing free house sites to the Scheduled Castes and Scheduled Tribes community people. The process of acquisition was concluded long back in the year 1991 and the acquired lands were allotted in favour of the Scheduled Caste community people and separate pattas were also granted to the petitioners enabling them to construct residences for the purpose of leading their livelihood.

3.The writ petitioners have earlier filed W.P.No.20728 of 2019 seeking direction to the respondents therein to allot alternative sites in favour of the Scheduled Castes community people. This Court dismissed the writ petition on 23.07.2021 stating that the writ petition has been filed in malafide intention to stall the beneficiaries from taking over the land. There is an observation in the order that the petitioners have not challenged the land acquisition proceedings during the relevant point of time.

4.In view of the said observations, the petitioners have chosen to file the present writ petition challenging the acquisition proceedings of the year 1991 now after a lapse of about 31 years in the year 2022.



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5.The learned Counsel for the petitioner made a submission that the petitioners have no knowledge of the acquisition proceedings for about 31 years since no notice was issued to the original owners and they came to know only in the year 2021 when the earlier writ petition in W.P.No.20728 of 2019 was filed. The learned Counsel for the petitioner mainly contended that the owners have not received any notice as contemplated under the Act. The possession was not taken from the petitioners and there was no emergent circumstances for acquiring the lands belonging to the petitioners for the purpose of converting the lands as house sites and to allot the same for Scheduled Caste community people. It is further contended that under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, the period of five years lapsed and possession has not been taken and therefore, the acquisition proceedings are deemed to have been dropped and thus, the petitioners are entitled for the relief as such sought for in the present writ petition.



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6. In support of the said contention, the learned counsel for the petitioner relied on the Judgment of the learned Single Judge by this Court in the case of ***K.Saraswathi and another v. State of Tamil Nadu, rep by its Secretary to Government and others*** reported in ***(2021) 2 CTC 300***, wherein this Court discussed about the procedures for taking possession:

“16. A close reading of all the above portions culled out from the judgment, clearly point out the fact that drawing of Panchnama of taking possession is the correct mode of taking possession in land acquisition cases, more particularly where the property acquired is a vacant land or a large tract of land. Taking possession by adopting to this mode, gives a lot of authenticity to prove that the land has been taken possession. Under the Transfer of Property Act, in cases vacant land, possession always follow title. However, in the land acquisition proceedings, it works the other way round and here the title vests with the State only after taking possession. In other words, title follows possession. This position is very clear on a bare reading of Section 16 of the 1894 Act.



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38. Section 24(2) of the Act was brought into force in order to meet those cases where the authorities have failed, due to their inaction, to take possession and to pay compensation for five years or more before the 2013 Act came into force. The Constitution Bench, in more than one place categorically states that Section 24(2) of the Act is a penal provision to punish the Acquiring Authority for its lethargy in not taking physical possession nor paying the compensation after making the award five years or more before the commencement of the 2013 Act. This observation made by the Hon'ble Supreme Court has a lot of significance in the facts of the present case. In the present case, the respondents have not only shown recklessness when it came to not taking possession in the manner known to law and not paying/tendering compensation in the manner known to law, but also it continues till date when they come and tell this Court that the entire original records has gone missing. Such an attitude on the part of the respondents really requires penal consequences as provided under Section 24(2) of the Act.



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7.The learned Additional Advocate General appearing on behalf of the State questioned the entertainability of the writ petition mainly on the ground that the acquisition proceedings of the year 1991 has been challenged now after a lapse of 31 years. The grounds raised by the petitioners that they had no knowledge about the acquisition proceedings are incorrect. As per the counter affidavit, notice was served to the erstwhile owners of the land. The procedures followed for acquiring the land has been narrated in the Counter Affidavit filed by the District Collector, Thiruvallur, and the details regarding the acquisition proceedings are as under:

“4.....an extent of 1.95.5 Hectare (4.84 Acres) comprised in the following survey numbers in Rajanagaram Village lying in the Pallipattu Taluk of the erstwhile Chengalpattu M.G.R. District and now in R.K.Pettai Taluk of Tiruvallur District were notified under Sub-section (1) of Section 4 of the old Land Acquisition Act 1894 in issue No.44C, Part-II, Section-2 of the Tamil Nadu Government Gazette published on 20.11.1991 at Page No.1 and 2 as per the G.O.(3D)



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No.987 Adi Dravidar and Tribal Welfare Department

Dated:25.10.1991 for the provision of house sites to

Adi Dravidars of Rajanagaram Village.

Sl.No.	Survey No.	Classification	Extent (in Hectors)	Extent (in Acre)	Name of the Pattadar
1.	107/1	Dry	0.17.0	0.42	Narayana Reddy s/o.Poleyatha Reddy
2.	107/2	Dry	0.28.5	0.71	Munusamy Reddy s/o.Muniappa Reddy
3.	107/5	Dry	0.10.0	0.25	Kuppusamy Reddy s/o.Naria Reddy(1) Ellappa reddy s/o. Muniappa Reddy (2) Govinda reddy s/o. Virupatcha reddy (3)
4.	107/6	Dry	0.26.0	0.64	Anjathammal w/o.Anniappan
5.	107/7	Dry	0.20.0	0.49	Muruga Reddy(1), Subramaniya Reddy(2), s/o.Naduandi Reddy Ellapa Reddy s/o.Maniappa Reddy (3), Kuppusamy Reddy s/o. Nainatha Reddy (4), Govinda Reddy s/o. Virupatcha Reddy (5)
6.	109/8	Dry	0.14.0	0.34	Vazha.Subramani s/o.Pallikoodathan(1) Gangadhara Reddy s/o. Masilamani(2)
7.	109/9	Dry	0.12.0	0.30	V.Deivanai W/o. T.M.Elumalai
8.	109/10 A	Dry	0.13.5	0.38	Munisamy Reddy S/o.Muniappa Reddy
9.	109/10	Dry	0.08.5	0.21	Elumalai Reddy



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Sl.No.	Survey No.	Classification	Extent (in Hectors)	Extent (in Acre)	Name of the Pattadar
	B				S/o.Munusamy Reddy
10.	109/10 C	Dry	0.03.5	0.09	Jayaraman S/o.Subba Reddy
11.	109/11	Dry	0.21.5	0.53	Subramani s/o. Muthusamy Reddy (1) Ponniyammal W/o.Munusamy Reddy (2)
12.	109/12	Dry	0.21.0	0.53	Valliammal W/o.Kuppusamy
		Total	1.95.5	4.84	

5.....the notices relating to 5(A) enquiry were served to the land owners on 09.02.1992 and the same was conducted on 25.02.1992 and 05.03.1992. In order to acquire the above mentioned land, the Land Acquiring Officer/Special Tahsildar, ADW, Tiruttani has passed the order in the above enquiry vide his proceedings Rc.No.1079/889/A, dated:07.03.1992 and a copy of this orders were served to the land owners.

6.....the Draft Declaration under 6 of the said act was published at page No.8 in issue No.39C, Part-II -Section-2 of the Tamil Nadu Government Gazette (supplement) on 30.09.1992 as per G.O.(3D) No.646 Adi Dravidar and Tribal Welfare Department dated:08.09.1992. It was published in the Tamil



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Dailies of Dinathoothu and Kumari Murasu on 30.09.1992 and the same was published in the locality on 07.11.1992. The Draft Direction under Section 7 of the said Act was published at Page No.2 of the Tamil Nadu Government Gazette (Extraordinary) issue No.105 Part-II Section-2 on 03.03.1993 as per the Government Letter No.45520/LAII/92-1/dated:27.11.1992.

7.....Award enquiry notices under Section 9 (3) and 10 of the Act were issued to the Pattadars on 03.03.1993 and an Award enquiry was conducted on 19.03.1993. The Land Acquiring Officer/Special Tahsildar, (ADW), Tiruttani has passed an order in the above enquiry vide Award No.16/92-93 (R.C.1079/88/A on 23.03.1993). The Notices under Section 12(2) of the said Act were also issued to the land owners on 23.03.1993 for receiving the compensation amount. The total award amount of compensation Rs.83693/- was ordered for paying compensation to the land owners and the details are furnished below:-

(i) Out of above said total amount, an amount of Rs.22443/- was ordered for paying compensation to 9



land owners in Survey Number 109/8, 109/9, 109/10A, 109/10C and 109/11 and the balance amount of Rs.61250/- was remitted at the Sub-Treasury, Tiruthani on 29.03.1993 under Revenue Deposit as per proceedings of the 5th respondent in RC.1079/88/A dated:29.03.1993. A sum of Rs.8133/- relating to the undisbursed compensation in respect of S.No.109/8 for an extent of 0.07.0 Hectare out of 0.14.0 Hectare and S.No.109/9 for an extent of 0.12.0 was remitted back at Sub-Treasury, Tiruttani on 27.09.1993. The above said deposited amount of Rs.8133 was ordered for paying compensation in S.No.109/8 for an extent of 0.07.0 Hectare out of 0.14.0 Hectare and S.No.109/9 for an extent of 0.12.0 on 21.10.1993 and 07.02.1994 respectively vide Rc.No.1079/88/A.

(ii) Out of the remitted amount of Rs.61250/- a sum of Rs.14800/- was ordered for paying compensation to the 3 land owners in Survey Numbers 109/10B, 109/11 and 109/12, vide Rc.No.1079/88/A dated:30.04.1993.

(iii) Out of the remitted amount of Rs.61250/- a sum of Rs.32268/- was ordered for paying compensation to 7 land owners in Survey Numbers



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107/1, 107/2 (issued 0.53 ¼ cent out of out of 0.71 cents), 107/5, 107/7 and 109/8 as per the proceedings of the 5th respondent in R.C.1079/88/A, dated 17.09.1993 and a sum of Rs.11131/- was ordered for paying compensation to one Thiru.Subba Reddy, S/o Munusamy Reddy for the land in survey number 107/6 as per proceedings of the 5th respondent in RC.1079/98/A dated 29.03.1993. In continuation with that a remaining amount Rs.3051/- in survey number 107/2 (issued 0.17 ¾ cent out of 0.71 cents) was ordered for paying compensation vide Rc.No.1079/88/A, dated:09.03.1994.

..... after completion of acquisition proceedings, the possession of the acquired land was done on 30.04.1993, 17.09.1993, 23.09.1993, 21.10.1993, 07.02.1994 and 09.03.1994. Thereafter, the necessary house site patta have been issued to the houseless people of Adi-Dravida.

8.Relying on the above details furnished by the District Collector, Thiruvallur, in his counter affidavit, the learned Additional Advocate General reiterated that the petitioners being influential persons in that



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locality are not allowing the beneficiaries to construct houses in the allotted lands. The petitioners are physically preventing the beneficiaries who belong to Scheduled Caste community despite the fact that free house site patta had already been granted to all the beneficiaries by the competent Authorities long back in the year 1992 itself. In this context, the Counter Affidavit filed by the District Collector, reveals as under:

“9., K.Damodaram and other villagers have filed a complaint before the Hon'ble State Human Rights Commission, Tamil Nadu with a prayer to direct this respondent to survey and identify the lands which were assigned to beneficiaries to enable them to construct houses. The Hon'ble forum has passed the order dated:10.05.2021, to take suitable action to measure and identify the property in Survey Nos.107/1 and 109/8 in Rajanagaram Village in R.K.Pet Taluk in Tiruvallur District as per the assignment patta for house sites given to the 100 beneficiaries in the year 1994 and 2002 and to allot the same to the beneficiaries enabling them to construct houses within three months from the date of recommendation. It is further directed to pay compensation of 25,000/- only to each of the above



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100 assignment pattadars pertaining to the Rajanagaram village in Survey Nos.107/1 and 109/8 to whom assignment patta given in the year 1994 and 2002, within one month from the date of receipt of copy of the recommendation in the orders passed on 10.05.2021 made in Case No.8007 of 2019. In order to comply the order of State Human Rights Commission, Dated:10.05.2021 along with assistance of police and revenue officials, the boundary stones fixed in the lands of 100 beneficiaries on 02.06.2002. In continuation with that about 500 people of Raganagaram Village have indulged in 'Road Roko' and they have removed the fixed boundary stone. The officials including a Tahsildar, R.K.Pet, Revenue Inspector and Village Administrative Officer were injured by the mob assault of the village people. It is submitted that the 4 crime number including under PCR Act, 1955 i.e., (1) the Crime No.156/2022 U/s 120(b), 143, 147, 148, 149, 427, 447, 294 (b), 353, 506(ii) IPC, R/w 3(1)(g)(s) and 3(2)(va)SC/ST(POA)Act, 1989, (2) Crime No.158/2022, U/s 147, 148, 294(b), 324, 353, 506(ii) IPC and Section 4 of TNPHW Act 1998 and Section 4



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of TNPPDL Act 1984 was registered on 24.06.2022 and the Crime No.159/2022 U/s 143, 147, 148, 188, 294(b), 323, 324, 353, 506(ii) IPC and (4) Crime No.160/2022 U/s 143, 341 IPC and Section 3(1) TNPPDL Act, 1984 was registered on 25.06.2022 in R.K.Pet Police Station against the persons who were involved in the activities of removing of boundary stones and creating law and order issues. In which, the accused's A1 to A3 namely Thiru.Vinayagam s/o Ponnusamy (A1), Thiru.Kavikannan@Ekambaram s/o Kannian (A2), Thiru.Jayaraman, s/o Narasimman involved in crime No.156/2022 arrested and taken for judicial custody on 24.06.2022 and the accused's namely Thiru.Purusothaman s/o Ganesareddy, Thiru.Kumar s/o Kannappa Reddy and Thiru.Kamalakannan S/o Mani involved in Crime Nos.156/2022, 158/2022, 159/2022 and 160/2022 arrested and taken for judicial custody on 02.07.2022 and they were released by conditional bail on 26.08.2022. Hence, this Writ petition ought to be dismissed on the grounds that this exhibit the malafide intention of the petitioners.



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9.The learned counsel for the petitioners reiterated that no notice was issued to the owners. Possession has not been taken even today. The petitioners have offered alternate lands for the occupation of the Scheduled Community people. Therefore there is no reason to reject the claim of the writ petitioners.

10.Regarding the possession, it is contented by the petitioners that no physical possession has been taken and therefore the acquisition proceedings has become lapsed.

11.In the context of the possession in acquisition proceedings, the principles are ruled by the Constitution Bench of the Hon'ble Supreme Court in the case of ***Indore Development Authority v. Manoharlal and ors*** reported in (2020) 4 SCC (Civ) 496. The Apex Court held as follows:

“263.In Banda Developmend Authority this Court held that preparing a panchnama is sufficient to take possession. This Court has laid down thus:(SCC p.411, para 37)



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“37. The principles which can be culled out from the abovenoted judgments are:

(i) No hard-and-fast rule can be laid down as to what act would constitute taking of possession of the acquired land.

(ii) If the acquired land is vacant, the act of the State authority concerned to go to the spot and prepare a panchnama will ordinarily be treated as sufficient to constitute taking of possession.

(iii) If crop is standing on the acquired land or building/structure exists, mere going on the spot by the authority concerned will, by itself, be not sufficient for taking possession. Ordinarily, in such cases, the authority concerned will have to give notice to the occupier of the building/structure or the person who has cultivated the land and take possession in the presence of independent witnesses and get their signatures on the Pachnama. Of course, refusal of the owner of the land or building/structure may not lead to an inference that the possession of the acquired land has not been taken.

366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality



of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e. 1-1-2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of Court to invalidate acquisition.”

12.The principles laid down by the Consitution Bench of the Apex Court are reiterated by the two Judges Bench of the Supreme Court of India in the case of ***Land and Building Department Through Secretary & Anr. v. Attro Devi & Ors. reported in 2023 LiveLaw (SC) 302.***

“11. The Constitution Bench of this Court in Indore Development Authority's case (supra) had opined that satisfaction of either of the conditions namely either taking possession of the acquired land or payment of compensation to the landowners would be sufficient to save the acquisition from being lapsed in terms of Section 24(2) of the 2013 Act. Various questions posed before the Constitution Bench of this



Court were also answered. Relevant paraNos. 362 and 366 are extracted below:

“362. Resultantly, the decision rendered in Pune Municipal Corporation & Anr. (supra) is hereby overruled and all other decisions in which Pune Municipal Corporation (supra) has been followed, are also overruled ...

....

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 112014, the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. The word “or” used in Section 24(2) between possession and compensation has to be read as “nor” or as “and”. The deemed lapse of land acquisition



proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

*12. The issue as to what is meant by "possession of the land by the State after its acquisition" has also been considered by Constitution Bench of Hon'ble Supreme Court in **Indore Development Authority's** case (*supra*). It is opined therein that after the acquisition of land and passing of award, the land vests in the State free from all encumbrances. The vesting of land with the State is with possession. Any person retaining the possession thereafter has to be treated trespasser. When large chunk of land is acquired, the State is not supposed to put some person or police force to retain the possession and start cultivating on the land till it is utilized. The Government is also not supposed to start residing or*



physically occupying the same once process of the acquisition is complete. If after the process of acquisition is complete and land vest in the State free from all encumbrances with possession, any person retaining the land or any reentry made by any person is nothing else but trespass on the State land. Relevant paragraphs 244, 245 and 256 are extracted below:

"244. Section 16 of the Act of 1894 provided that possession of land may be taken by the State Government after passing of an award and thereupon land vest free from all encumbrances in the State Government. Similar are the provisions made in the case of urgency in Section 17(1). The word "possession" has been used in the Act of 1894, whereas in Section 24(2) of Act of 2013, the expression "physical possession" is used. It is submitted that drawing of panchnama for taking over the possession is not enough when the actual physical possession remained with the landowner and Section 24(2) requires actual physical possession to be taken, not the possession in any other form. When the State has acquired the land and award has been passed, land vests in the State Government free from all



encumbrances. The act of vesting of the land in the State is with possession, any person retaining the possession, thereafter, has to be treated as trespasser and has no right to possess the land which vests in the State free from all encumbrances.

245. The question which arises whether there is any difference between taking possession under the Act of 1894 and the expression "physical possession" used in Section 24(2). As a matter of fact, what was contemplated under the Act of 1894, by taking the possession meant only physical possession of the land. Taking over the possession under the Act of 2013 always amounted to taking over physical possession of the land. When the State Government acquires land and draws up a memorandum of taking possession, that amounts to taking the physical possession of the land. On the large chunk of property or otherwise which is acquired, the Government is not supposed to put some other person or the police force in possession to retain it and start cultivating it till the land is used by it for the purpose for which it has been acquired. The Government is not supposed to start residing or to physically occupy it once possession has



been taken by drawing the inquest proceedings for obtaining possession thereof. Thereafter, if any further retaining of land or any reentry is made on the land or someone starts cultivation on the open land or starts residing in the outhouse, etc., is deemed to be the trespasser on land which in possession of the State. The possession of trespasser always inures for the benefit of the real owner that is the State Government in the case. xxxx

256. Thus, it is apparent that vesting is with possession and the statute has provided under Sections 16 and 17 of the Act of 1894 that once possession is taken, absolute vesting occurred. It is an indefeasible right and vesting is with possession thereafter. The vesting specified under Section 16, takes place after various steps, such as, notification under Section 4, declaration under Section 6, notice under Section 9, award under Section 11 and then possession. The statutory provision of vesting of property absolutely free from all encumbrances has to be accorded full effect. Not only the possession vests in the State but all other encumbrances are also removed forthwith. The title of the landholder ceases



and the state becomes the absolute owner and in possession of the property. Thereafter there is no control of the landowner over the property. He cannot have any animus to take the property and to control it. Even if he has retained the possession or otherwise trespassed upon it after possession has been taken by the State, he is a trespasser and such possession of trespasser enures for his benefit and on behalf of the owner."

13. In view of the Judgment of the Constitution Bench of the Supreme Court of India and the subsequent Judgment reiterating the principles would be sufficient enough to arrive at an inevitable conclusion that mere occupation by the owner in respect of an acquired land cannot be construed as possession is with the owner's. After acquisition, if any person including the owners occupation is to be construed as unlawful occupation and they are to be treated as trespassers. Once the land absolutely vest with the Government, more specifically, in respect of vacant land and any person claiming to be in possession cannot be considered as valid possession and such persons if at all claims to be in possession, they are liable to be vacated



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and the lands are to be utilised for the purpose for which it was acquired under the Provisions of the Land Acquisition Act. If the grounds raised in this regard is taken by the Courts, it will lead to an anomalous situation where the Government may not be in a position to protect the acquired vacant lands to a larger extent on some occasions. Every owner will claim that they are in possession of the vacant land and therefore, the acquisition proceedings become lapsed. Such principles are contrary to the law laid down by the Constitution Bench of the Hon'ble Supreme Court of India.

14.In the present case, though the petitioners say that they have not received any notice in the year 1991 and they were not aware of the land acquisition proceedings and first time they came to know about the land acquisition proceedings in the year 2021, this Court earlier considered this aspect in W.P.No.20728 in 2019 and dismissed the writ petition with a finding that the writ petition itself has been filed with a malafide intention.

15.A doubt arises regarding the said ground in view of the fact that the earlier writ petition in W.P.No.20728 of 2019 seeking the relief to direct



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the respondents to allot alternative sites in Survey No.122/3, Patta No.1600, situated in the Rajanagaram Village, Pallipattu Taluk, Tiruthani District.

When petitioners themselves have sought for relief to direct the respondents to allot alternative sites, then one can presume that they were aware of the land acquisition proceedings even before the filing of the said writ petition. When they came to know that the subject lands are acquired, the writ petition was filed. The counter affidavit filed by the District Collector reveals that the notice was served to the erstwhile land owners. The details regarding the enquiry was conducted and the procedures followed were elaborately narrated by the District Collector, Thiruvallur in his Counter Statement. However, now after a lapse of 31 years from the completion of the acquisition proceedings such details need not be gone into as the acquired lands were already allotted in favour of the homeless poor people and free house site pattas were granted in the year 1992 itself and on account of the reasons stated in paragraph 9 of the Counter affidavit at the instance of the petitioners, the beneficiaries are unable to construct houses. The allegations stated in the paragraph 9 of the Counter affidavit are serious.



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16.The learned Additional Advocate General made a submission that the petitioners are creating unnecessary trouble in that locality by preventing the beneficiaries from constructing houses in the acquired lands. Complaint was filed before the Human Rights Commission of Tamil Nadu. Criminal criminal cases were also registered. Under these circumstances, question of dropping the land acquisition proceedings does not arise at all.

17.It is the duty of the State to ensure that the livelihood of the homeless poor people are protected by allowing them to construct the houses in the lands allotted by the Government. The petitioners'suggestion to grant alternate land at this length of time cannot be considered by this Court since the acquisition proceedings were concluded in the year 1991 and free house site patta was granted to the homeless Scheduled Caste Community people in the year 1992 and therefore, the alternative relief sought for in the earlier writ petition was dismissed by this Court with a finding that the petition itself was filed with a malafide intention. Since there was an observation that the acquisition proceedings were not challenged, the petitioners have chosen to file the present writ petition challenging the acquisition proceedings after a lapse of 31 years from the year of completion of acquisition proceedings.



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In any event, the petitioners are not entitled for the relief.

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18.Taking note of the submission made by the learned Additional Advocate General that the petitioners are influential persons in that locality, this Court is inclined to *suo moto* implead the Superintendent of Police, Thiruvallur, who in turn shall provide necessary protection to the beneficiaries of the acquired lands/pattadars, who in turn shall be permitted to construct houses without causing any further delay. The respondents are directed to assist the beneficiaries to occupy their respective portion of the house sites allotted as per the Patta granted and give protection to those Scheduled Castes community people to construct houses to lead their livelihood in that locality.

19.With these direction, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

27.09.2023

veda/cse
Index : Yes/No

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Speaking order/Non-Speaking Order
Neutral Citation : Yes/No

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To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Department of Adi-Dravidar & Tribal Welfare,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Thiruvallur District,
Thiruvallur.
- 3.The Revenue Divisional Officer,
Thiruttani Revenue Division,
Thiruttani,
Thiruvallur District.
- 4.The Tahsildhar,
R.K.Pettai Taluk,
R.K.Pettai,
Thiruvallur District.
- 5.The Special Tahsildhar,
Land Acquisition,
Adi Dravidar (ADW) Welfare Scheme,
Thiruttani,
Thiruvallur District.



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6.The Superintendent of Police,
Tiruvallur.



WEB COPY



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S.M.SUBRAMANIAM, J.

veda/cse

W.P.No.24047 of 2022

27.09.2023