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W.P.Nos.30674 to 30677 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2023

Coram:

THE HON'BLE MR JUSTICE P. VELMURUGAN

W.P.Nos.30674 to 30677 of 2017

and

W.M.P.Nos.33583, 33584, 33585 and 33586 of 2017

- | | |
|-------------------|--|
| 1.K.Vijayalakshmi | ...Petitioner in W.P.No.30674 of 2017. |
| 2.M.Prema | ...Petitioner in W.P.No.30675 of 2017. |
| 3.S.Jayaseeli | ...Petitioner in W.P.No.30676 of 2017. |
| 4.K.Varadaraju | ...Petitioner in W.P.No.30677 of 2017. |

Versus

- | | |
|--|-----------------------------|
| 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 (L.A.)
Hosur Housing Scheme,
Bhagalur Road,
Hosur, Krishnagiri District. | ...Respondents in all W.Ps. |



W.P.Nos.30674 to 30677 of 2017

Prayer in W.P.No.30674 of 2017: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Declaration declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of lands to an extent of 1200 sq.ft. bearing Plot No.24 comprised in S.No.897/3, Sub-divided as S.No.897/1A-3 of Hosur Town and Taluk, Krishnagiri District, covered by Notification issued under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.Ms.No.850, Housing and Urban Development Department, dated 21.05.1991 and Declaration under Section 6 of the Land Acquisition Act, 1894 vide G.O.Ms.No.528, Housing and Urban Development Department, dated 12.08.1992 deemed to have lapsed in view of Section 24 (2) of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.

Prayer in W.P.No.30675 of 2017: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Declaration declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of lands to an extent of 1200 sq.ft. bearing Plot No.01 comprised in S.No.897/3, Sub-divided as S.No.897/1A-3 of Hosur Town and Taluk, Krishnagiri District, covered by Notification issued under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.Ms.No.850, Housing and Urban Development Department, dated 21.05.1991 and Declaration under Section 6 of the Land Acquisition Act, 1894 vide G.O.Ms.No.528, Housing and Urban Development Department, dated 12.08.1992 deemed to have lapsed in view of Section 24 (2) of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.



W.P.Nos.30674 to 30677 of 2017

Prayer in W.P.No.30676 of 2017: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Declaration declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of lands to an extent of 1200 sq.ft. bearing Plot No.23 comprised in S.No.897/3, Sub-divided as S.No.897/1A-3 of Hosur Town and Taluk, Krishnagiri District, covered by Notification issued under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.Ms.No.850, Housing and Urban Development Department, dated 21.05.1991 and Declaration under Section 6 of the Land Acquisition Act, 1894 vide G.O.Ms.No.528, Housing and Urban Development Department, dated 12.08.1992 deemed to have lapsed in view of Section 24 (2) of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.

Prayer in W.P.No.30677 of 2017: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Declaration declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of lands to an extent of 1200 sq.ft. bearing Plot No.04 comprised in S.No.897/3, Sub-divided as S.No.897/1A-3 of Hosur Town and Taluk, Krishnagiri District, covered by Notification issued under Section 4 (1) of the Land Acquisition Act, 1894 vide G.O.Ms.No.850, Housing and Urban Development Department, dated 21.05.1991 and Declaration under Section 6 of the Land Acquisition Act, 1894 vide G.O.Ms.No.528, Housing and Urban Development Department, dated 12.08.1992 deemed to have lapsed in view of Section 24 (2) of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.



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In all W.Ps.

For petitioners : R.Bharath Kumar

For respondents :
[R1 & R4] : Mr.V.Veluchamy
Additional Government Pleader

[R2 & R3] : S.Ramachandran
Senior Counsel for TNHB

COMMON ORDER

These writ petition(s) have been filed to issue a Writs of Declaration, declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of the land(s) to an extent of 1200 sq.ft. bearing Plot Nos.25, 01, 23, 04 comprised in S.No.897/3, Sub-divided as S.No.897/1A-3 of Hosur Town and Taluk, Krishnagiri District, covered by Notification issued under Section 4 (1) of the Land Acquisition Act, 1894, vide G.O.Ms.No.850, Housing and Urban Development Department, dated 21.05.1991 and Declaration under Section 6 of the Land Acquisition Act, 1894, vide G.O.Ms.No.528, Housing and Urban Development Department, dated 12.08.1992 deemed to have lapsed, in view of Section 24 (2) of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.



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2.Though these writ petitions have been filed under the amended Act of 2013 and the contention of the petitioners is that the acquisition stood lapsed as per Section 24 (2) of the New Act of 2013. Since the new Act come into force on that date, neither the compensation was given to the petitioners/land owner or possession was taken and therefore, now the petitioners are in physical possession of the property and no amount of compensation was received and therefore, the acquisition proceedings initiated by the respondents and Award 17 of 1994 are lapsed.

3.Mr.V.Veluchamy, learned Additional Government Pleader, appearing for the official respondents, submitted that the possession is already taken and the compensation has already been deposited in the Civil Court and the original owner of the property already took the amount awarded by the Civil Court. The petitioners are only the subsequent purchasers and therefore, they cannot proceed with the acquisition and there is no *locus-standi* for them to file a writ petition. Since his vendor already received the compensation and the possession was handed over to the Housing Board, now the Special Officer (Tahsildar) had also taken over the possession and handed over it to the



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Housing Board. The Housing Board also divided the house plots into more than 60 per cent and the lands acquired were allotted to the beneficiaries and Patta was issued in their name. Therefore, under these circumstances, these writ petition(s) are not maintainable and are liable to be dismissed.

4.Heard both sides and perused all the materials available on record.

5.Admittedly, the petitioners are not the original owners and the acquisition proceedings were initiated against the original owner namely M.Anjappa son of Muniappa. The records show that the Special Tahsildar (Land Acquisition), had deposited the amount of compensation before the Civil Court on 14.03.2019. Since the original owner refused to receive the amount, they deposited it into the Civil Court way-back on 16.02.1995 itself, i.e., much prior to the New Act that had come into force. Thereafter, the original owner M.Anjappa, son of Muniappa approached the Land Acquisition Civil Court and filed the claim petition for enhancement of compensation, and therefore, M.Anjappa, son of



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Muniappa received the amount from the Civil Court, and therefore, since the original owner who is none other than the vendor (from whom the petitioner also claimed the title who approached the Civil Court and have received the compensation amount), the acquisition proceedings lapsed on the ground of non-payment of compensation, which is not acceptable and further, as far as the possession is concerned, the 4th respondent had already taken over the possession. However, he also handed over the possession to the 2nd respondent and the 2nd respondent and 3rd respondent also taken over the possession and the beneficiaries were allotted the lands and the purpose for which the lands were acquired, was also carried out and therefore, under these circumstances, since long prior to the date of the new Act coming into the force, the amount has already been paid/deposited into the Civil Court and possession is also taken and which is under the control and possession of the beneficiaries. Therefore, under these circumstances, the writ petitioners are only subsequent purchasers who claim right and title only from the original owner M.Anjappa son of Muniappa, who already received the compensation and handed over the possession to the Requisitioning Body, who in turn handed over the possession to the Housing Board,



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which in turn are the beneficiaries.

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6. Accordingly, the writ petition(s) are dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

27.11.2023

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation Case: Yes/No

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To:

1. The District Revenue Officer
Collectorate,
Thiruvallur District.

2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer,
Ponneri Taluk Office, Thiruvallur District.

3. The Tahsildar
Ponneri Taluk Office,
Thiruvallur District.



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