



W.P.No21248 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.21248 of 2017

and

W.M.P.No.22153 of 2017

M.K.Suhail

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Madras 9.
2. The Special Thasildar,
Land Acquisition,
Housing Project,
Hosur, 635 109.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Hosur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration to declare that the land acquisition proceeding initiated made in pursuance of Award No.30/1994, dated 23.12.1994 in respect of land in Survey No.457 of Chennathur village,



W.P.No21248 of 2017

Hosur Taluk, Krishnagiri District, as lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner	: Mrs.V.Pavithra for M/s.V.Srimathi
For R1 & R2	: Mr.V.Veluchamy Additional Government Pleader
For R3	: Mr.S.Ramachandran Standing Counsel for TNHB

ORDER

This Writ Petition has been filed to issue a Writ of Declaration to declare the land acquisition proceeding initiated in pursuance of the Award No.30/1994, dated 23.12.1994 in respect of the land in Survey No.457 of Chennathur village, Hosur Taluk, Krishnagiri District, as lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Learned counsel for the petitioner submitted that though the land was acquired, neither notice was issued, nor the Award amount was



W.P.No21248 of 2017

WEB COPY

deposited and possession was also not taken. The petitioner's father is a subsequent purchaser. Neither the vendor was served with notice, nor the petitioner's father was served with notice. When the petitioner applied under RTI Act, the respondents sent a reply/information stating that the Award was not deposited in the Court concerned, and also possession was not handed over to the Housing Board. Therefore the Award is lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Learned Additional Government Pleader appearing for the official respondents submitted that, already the authorities concerned acquired the lands in three survey numbers of the petitioner's vendor. For other lands, they received the compensation and also filed application for enhancement of compensation and obtained the same. As far as the petition mentioned land is concerned, since the petitioner has not received the compensation amount, they had deposited the Award amount in the Treasury concerned and possession has already been



W.P.No21248 of 2017

WEB COPY

taken. Patta was also transferred in the name of the Housing Board. Therefore, the Award passed under Section 24(2) of the Act would not get lapsed.

4. Already, possession was taken and mutation of Revenue Records had also been made in the name of the Housing Board. Now the patta stands in the name of the Housing Board. Hence, Section 24(2) of the New Act would not get attracted. The acquisition has not been lapsed. Therefore, the writ petition is dismissed.

5. However, the petitioner is at liberty to receive the compensation amount from the Treasury concerned after furnishing necessary particulars. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.12.2023

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



WEB COPY



W.P.No21248 of 2017

To

1. The Government of Tamil Nadu,
Represented by the Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Madras 9.
2. The Special Thasildar,
Land Acquisition,
Housing Project,
Hosur, 635 109.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Hosur.



WEB COPY



W.P.No21248 of 2017

P.VELMURUGAN, J.

mfa

W.P.No.21248 of 2017
and
W.M.P.No.22153 of 2017

11.12.2023