



W.P.No.22557 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.22557 of 2017

1.V.Arumuga Gounder

2.P.Kalyanaswamy

3.R.Shanmugham

4.S.Muthulakshmi

5.P.Jeyamani

6.V.R.Palanisamy

7.VKR.Angaraj

... Petitioners

versus

1.State of Tamil Nadu,

Rep.by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.

2.Tamil Nadu Housing Board,

Rep.by its Chairman-cum-Managing Director,
No.493, Anna Salai,
Chennai – 600 035.



W.P.No.22557 of 2017

3.The Executive Engineer and Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board,
Hudco Colony, Tatabad,
Coimbatore.

4.The Special Tahsildar,
(Land Acquisition),
Housing Scheme No.3,
Coimbatore.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Declaration, declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of land to an extent of 1.50 acres comprised in S.No.408 (presently T.S.No.6, Ward No.26, Block No.8) of Vilankuruchi Village, Coimbatore North Taluk, covered by Notification issued under Section 4(1) Notification in G.O.Ms.No.46, Housing and Urban Development, dated 05.02.1992 published in Tamil Nadu Government Gazette dated 26.2.1992 and Section 6 Declaration in G.O.Ms.No.297, Housing and Urban Development, dated 15.4.1993 published at pages 1 and 2 of Extra-ordinary issue of Part II Section 2 of Tamil Nadu Government Gazette, dated 16.4.1993, deemed to have been lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.

Pg.Nos.2/8



W.P.No.22557 of 2017

For Petitioners : Mr.D.Raja
For Respondents : Mr.P.Gurunathan
Additional Government Pleader
for R1 and R4

Mr.V.Gunasekar
Standing Counsel for TNHB
for R2 and R3

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Declaration, declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894, in respect of land to an extent of 1.50 acres comprised in S.No.408 (presently T.S.No.6, Ward No.26, Block No.8) of Vilankuruchi Village, Coimbatore North Taluk, are deemed to have been lapsed in view of Section 24(2) of 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013'. [hereinafter referred to as 'New Act, 2013'].

2.The learned counsel for the petitioners submitted that the petitioners are the absolute owners of the subject property. The first respondent had issued a Notification under Section 4(1) of Land Acquisition Act, 1894 in



W.P.No.22557 of 2017

G.O.Ms.No.46, Housing and Urban Development, dated 05.02.1992, which was published in Tamil Nadu Government Gazette, dated 26.2.1992 for the purpose of developing Ganapathy Neighbourhood Scheme Phase II. Subsequently, a Declaration under Section 6 of the Land Acquisition Act, 1894 in G.O.Ms.No.297, Housing and Urban Development, dated 15.4.1993, was issued and the same was published at pages 1 and 2 of Extra-ordinary issue of Part II Section 2 of Tamil Nadu Government Gazette, dated 16.4.1993. Subsequently, an Award was also passed on 18.04.1995, vide Award No.1/1995, determining compensation. The learned counsel further submitted that though the Award was passed much prior to commencement of the New Act, 2013, but till date, neither physical possession of the subject property had been taken, nor compensation amount was paid/deposited and hence, the Land Acquisition Proceedings shall be deemed to have lapsed in view of Section 24(2) of the New Act.

3.The learned Additional Government Pleader appearing for respondents, by referring to the counter affidavit, contended that at the time of Award enquiry, the petitioners have not filed any objection. After the



W.P.No.22557 of 2017

Award enquiry i.e. on 14.03.1995, the petitioners filed W.P.No.4238 of 1995 challenging the acquisition proceedings and got dispassion stay in W.M.P.No.7040 of 1995 in W.P.No.4238 of 1995, dated 20.03.1995, subsequently, the said Writ Petition was dismissed on 16.12.1997. Challenging the same, the petitioners filed W.A.No.1731 of 1998 in W.P.No.4238 of 1995, which came to be dismissed on 06.10.2003. In the meanwhile, Award was passed on 18.04.1995, vide Award No.1/95 and the Government had taken the possession of the subject property and the property vested with the Government. He further contended that already Award amount has been ordered to be deposited in the Civil Court account. Once the acquisition proceedings attained finality, the petitioners cannot claim the proviso under Section 24(2) of the New Act.

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

5. On a perusal of the records, it is seen that the Government had acquired the subject properties under due process of law, and Award was also passed on 18.04.1995, vide Award No.1/1995 and the compensation



W.P.No.22557 of 2017

amount was also deposited in the Civil Court. Once the acquisition proceedings are completed and amount also deposited into the Civil Court earlier to the New Act came into force and hence, the petitioners cannot claim the benefit under the proviso to Section 24(2) of the New Act.

6. For the foregoing reasonings, the petitioners are not entitled to claim the relief as sought for in this writ petition and the same is liable to be dismissed. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

21.12.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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W.P.No.22557 of 2017

To

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- 2.The Chairman-cum-Managing Director,
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Pg.Nos.7/8



WEB COPY



W.P.No.22557 of 2017

P.VELMURUGAN, J.

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W.P.No.22557 of 2017

21.12.2023

Pg.Nos.8/8