



WEB COPY



W.P.No.12624 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2023

CORAM:
THE HON'BLE MR JUSTICE P. VELMURUGAN

W.P.No.12624 of 2017

1.Manomani
2.K.Vasuki
3.G.Parimalam
4.B.Chandrika
5.S.Malarvizhi
6.P.Sivaraj

...Petitioners

Versus

1.The State of Tamil Nadu
Rep by Secretary of Government,
Department of Municipal Administration
Fort.St.George.
Chennai – 600 009.

2.The District Collector,
Coimbatore – 641 018.

3.The Commissioner
Coimbatore City Municipality Corporation,
Big Bazaar Street,
Coimbatore – 641 001.

4.The Sub Collector,
Coimbatore.

5.The Special Tahsildar (LA)
Town Planning Scheme,
Coimbatore – 641 018.

...Respondents

Prayer: This writ petition is filed under Article 226 of the Constitution of



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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 land measuring an extent of 21325 sq.ft. of land in T.S.No.525/2 situated at Coimbatore Village, Coimbatore District covered by a notification issued under Section 4 (1) in G.O.Ms.No.656, Rural Development an Local Administration, dated 19.03.1973 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 and issue fresh notification in respect of the land.

For Petitioners : Mr.Sam Jayaraj Houston

For Respondents : Mr.K.Magesh – R3.

ORDER

This writ petition is filed for writ of declaration, declaring that the Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of land measuring an extent of 21325 sq.ft. of land in T.S.No.525/2 situated at Coimbatore Village, Coimbatore District covered by a notification issued under Section 4 (1) in G.O.Ms.No.656, Rural Development an Local Administration, dated 19.03.1973 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 and issue fresh notification in respect of the land.

2. The writ petition has been filed by challenging the Section 4 (1)



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in G.O.Ms.No.656, Rural Development and Local Administration, dated 19.03.1973. Since the amount has not been deposited or paid to the land owner under Section 24 (2) of the New Act and it is deemed to be lapsed.

3. Mr.Sam Jayaraj Houston, learned counsel for the petitioner would submit that even though the land was acquired and the notification was issued on 19.03.1973 and the same was published in the Tamil Nadu Government Gazette on 11.04.1973. This was followed by Section 6 declaration dated 01.04.1976 and the Award No.8/86 was passed on 23.09.1986 which is already challenged the same before this Court and this Court directed to refer the matter to the Tribunal and for enhancement of compensation. Therefore, the petitioner also moved to the Tribunal for enhancement of compensation in LAOP No. 09 of 2005 before the Land Acquisition Tribunal and therefore now since the amount was not paid prior to the New Act coming into force and even after reference made before the Tribunal, the amount was not deposited, therefore, the petitioner is entitled to get compensation under the New Act.

4. Mr.K.Magesh, learned counsel for the 3rd respondent would submit that possession already taken even way back in 1995 itself that



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prior to New Act coming into force on 01.01.2014. Therefore, the lapse under Section 24 (2) of the New Act would not arise.

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

6. Admittedly the land was acquired in the year 1973 and declaration was made in the year 1976 and the Award was passed in the year 1986, there are litigations between the petitioner and the Land Acquisition Officer, before this Court regarding lapse under Section 11 of the old Act, the same was dismissed and subsequently, now reference under Section 4 of the Land Acquisition Act is pending before Tribunal in LAOP No.09 of 2005 and since the possession already taken prior to the New Act coming into force, the reference under Section 11 of the Old Act is pending before the Competent Tribunal, it is for the Petitioner and the petitioner is at liberty to workout his remedy before the Tribunal.

7. The petitioner is not entitled to the relief sought for in this writ petition. Since the possession was already taken prior to the New Act coming into force, therefore, challenging under Section 24 (2) for lapse



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would not be applicable, therefore, the writ petition stands dismissed.

There shall be no order as to costs.

19.12.2023

Index : Yes/No

Speaking : Yes/No

Neutral Citation Case: Yes/No

nst

To:

1.The State of Tamil Nadu



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P. VELMURUGAN,J.

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