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W.P.Nos.24443 to 24447 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.24443 to 24447 of 2017

and

**W.M.P.Nos.25830, 25832, 25834, 25836 and 25838 of 2017, 29747, 29751,
29754, 29758 and 29765 of 2017**

W.P.No.24443 of 2017

1.K.P.Kumarasamy
2.K.P.Ramasamy
3.S.Parvathy

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Chairman and Managing Director,
Municipal Administration & Water Supply Department,
Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Coimbatore District,
Coimbatore.
- 4.The Corporation of Coimbatore,
Represented by its Commissioner,



Office of the Corporation of Coimbatore,
Coimbatore.

5.The District Revenue Officer,
Coimbatore District,
Coimbatore.

6.The Revenue Divisional officer,
Coimbatore.

7.The Tahsildar,
Madukkarai Taluk,
Coimbatore District.

8.The Special Tahsildar (LA),
Coimbatore Water Supply Scheme,
Coimbatore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the entire acquisition proceedings initiated by the 1st respondent culminating in Award No.6/1985 dated 23.08.1985 passed by the 8th respondent in respect of lands comprised in Survey No.583, admeasuring about 1.42 acres in Vellalur Village, Madhukkarai Taluk (then Coimbatore Taluk), Coimbatore District as lapsed by operation of law in view of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act 2013 (Act 30 of 2013).



W.P.No.24444 of 2017

1.K.Kalamani
2.K.Anandaraj
3.K.Nataraj

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Chairman and Managing Director,
Municipal Administration & Water Supply Department,
Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Coimbatore District,
Coimbatore.
- 4.The Corporation of Coimbatore,
Represented by its Commissioner,
Office of the Corporation of Coimbatore,
Coimbatore.
- 5.The District Revenue Officer,
Coimbatore District,
Coimbatore.
- 6.The Revenue Divisional officer,
Coimbatore.
- 7.The Tahsildar,
Madukkarai Taluk,
Coimbatore District.



8.The Special Tahsildar (LA),
Coimbatore Water Supply Scheme,
Coimbatore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the entire acquisition proceedings initiated by the 1st respondent culminating in Award No.5/1985 dated 14.08.1985 passed by the 8th respondent in respect of lands comprised in Survey No.640, admeasuring about 1.87³/₄ acres in Vellalur Village, Madhukkarai Taluk (then Coimbatore Taluk), Coimbatore District as lapsed by operation of law in view of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act 2013 (Act 30 of 2013).

W.P.No.24445 of 2017

1.T.Manonmani
2.A.Tamilselvi
3.A.Prakash
4.A.Praveen

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Chairman and Managing Director,
Municipal Administration & Water Supply Department,



Chepauk,
Chennai – 600 005.

3. The District Collector,
Coimbatore District,
Coimbatore.
4. The Corporation of Coimbatore,
Represented by its Commissioner,
Office of the Corporation of Coimbatore,
Coimbatore.
5. The District Revenue Officer,
Coimbatore District,
Coimbatore.
6. The Revenue Divisional officer,
Coimbatore.
7. The Tahsildar,
Madukkarai Taluk, Coimbatore District.
8. The Special Tahsildar (LA),
Coimbatore Water Supply Scheme,
Coimbatore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the entire acquisition proceedings initiated by the 1st respondent culminating in Award No.2/1986 dated 28.04.1986 passed by the 8th respondent in respect of lands comprised in Survey No.462, admeasuring about 1.81 acres in Vellalur Village, Madhukkarai Taluk (then Coimbatore Taluk), Coimbatore District as lapsed by operation of law in view of section 24(2) of the Right to Fair Compensation



and Transparency in Land Acquisition, Rehabilitation & Resettlement Act
2013 (Act 30 of 2013).

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W.P.No.24446 of 2017

- 1.Kuppuswamy
- 2.Pazhanisamy
- 3.Karuppathal
- 4.Karuppusamy
- 5.Karuppusamy
- 6.Subramanian

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Chairman and Managing Director,
Municipal Administration & Water Supply Department,
Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Coimbatore District,
Coimbatore.
- 4.The Corporation of Coimbatore,
Represented by its Commissioner,
Office of the Corporation of Coimbatore,
Coimbatore.
- 5.The District Revenue Officer,
Coimbatore District, Coimbatore.



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6.The Revenue Divisional officer,
Coimbatore.

7.The Tahsildar,
Madukkarai Taluk, Coimbatore District.

8.The Special Tahsildar (LA),
Coimbatore Water Supply Scheme,
Coimbatore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the entire acquisition proceedings initiated by the 1st respondent culminating in Award No.8/1985 dated 14.10.1985 passed by the 8th respondent in respect of lands comprised in Survey No.588/2 and 589/2 admeasuring about 4.91acres in Vellalur Village, Madhukkarai Taluk (then Coimbatore Taluk), Coimbatore District as lapsed by operation of law in view of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act 2013 (Act 30 of 2013).

W.P.No.24447 of 2017

1.V.R.Nanjukutti
2.V.R.Rajammal
3.V.R.Tulasiammal
4.V.R.Devarajan

... Petitioners

Vs.



- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Chairman and Managing Director,
Municipal Administration & Water Supply Department,
Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Coimbatore District,
Coimbatore.
- 4.The Corporation of Coimbatore,
Represented by its Commissioner,
Office of the Corporation of Coimbatore,
Coimbatore.
- 5.The District Revenue Officer,
Coimbatore District,
Coimbatore.
- 6.The Revenue Divisional officer,
Coimbatore.
- 7.The Tahsildar,
Madukkarai Taluk, Coimbatore District.
- 8.The Special Tahsildar (LA),
Coimbatore Water Supply Scheme,
Coimbatore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the entire acquisition proceedings initiated by the 1st respondent culminating in Award No.14/1985 dated



19.12.1985 passed by the 8th respondent in respect of lands comprised in Survey No.633 admeasuring about 1.611 acres in Vellalur Village, Madhukkarai Taluk (then Coimbatore Taluk), Coimbatore District as lapsed by operation of law in view of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act 2013 (Act 30 of 2013).

For Petitioners : M/s.Richardson Wilson
(in all 5 W.Ps)

For R1 to R3, R5 to R8 : Mr.G.Krishna Raja,
Additional Government Pleader
(in all 5 W.Ps)

For R4 : Mr.K.Magesh
(in all 5 W.Ps)

COMMON ORDER

These writ petitions have been filed to issue a writ of declaration, declaring that the land acquisition proceedings in respect of the petitioners' properties as lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the New Act' for short).



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2. The case of the petitioners is that they owned their respective portion of the lands situated at Vellalur Village, Madhukkari Taluk, Coimbatore District. While being so, the first respondent initiated acquisition proceedings issued notification under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act' for short) for the purpose of constructing a sewerage farm. However, even after a lapse of 30 years, the respondents have not taken possession of the lands and they have not used the said lands for the purpose for which they were acquired. Therefore, after the New Act, the petitioners challenged the entire acquisition proceedings on the ground that the possession of the subject properties had not been taken even till today. The petitioners are not paid any compensation for the acquisition lands. Therefore, the entire acquisition proceedings have lapsed as per Section 24(2) of the New Act.

3. The respondents 1, 2 and 4 filed common counter affidavit and stated that totally 657 acres of lands in Vellalore and Kurinchi Village of Madukkarai Taluk, Coimbatore District were acquired by the eighth respondent herein for the purpose of sewerage Farm and construction of sewerage Treatment Plant to the Coimbatore Corporation. The work was



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administratively sanctioned by the Government in G.O.Ms.No.107, R.D & L.A Department, dated 23.01.1980. The entire extent acquired has been split up into 18 blocks for submission of draft notification under Section 4(1) of the Act. Thereafter, the awards had been passed on various dates and the compensation amount was deposited in the Civil Court, most of the land owners were received the compensation amount from the eighth respondent. The acquired lands were handed over to the Tamil Nadu Water Supply and Drainage Board on 10.11.1986 and 06.12.1986 by the eighth respondent. The Tamil Nadu Water Supply and Drainage Board, in turn handed over the possession to the Coimbatore Corporation on 09.10.1988 and at present, the Coimbatore Corporation is in possession of the entire lands and the Coimbatore Corporation also obtained patta in their favour, vide patta No.700 and the Corporation is enjoying the same. In fact, the Director of Town Panchayat requested the Coimbatore Corporation to allot 2 acres of land in Survey No.659 for the purpose of bu terminus to Vellalore Town Panchayat. As per Council resolution No.19 dated 11.06.2014, the Coimbatore Corporation accorded permission for allotment and the same was considered and granted by the first respondent in G.O.Ms.No.31, dated 12.02.2016.



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4. All the petitioners raised grounds that they were neither paid any compensation nor the possession of their respective properties was taken. Therefore, the entire acquisition proceedings have lapsed under Section 24(2) of the New Act.

5. On a perusal of the records, it reveals that admittedly, the Land Acquisition Proceedings have been initiated by Section 4(1) notification dated 24.07.1981. Thereafter, proper enquiry was conducted and various awards have been passed on various dates in respect of their lands comprised in various survey numbers situated at Vellalur Village, Madhukkari Taluk, Coimbatore District. As stated supra, the possession of the properties had already been taken by the Coimbatore Corporation, which had also obtained patta in their favour, vide patta No.700 including the petitioners' lands. The awards had been passed on various dates and the compensation amount was deposited in the Civil Court and that most of the land owners have also received the compensation amount from the eighth respondent.

6. The grounds raised by the petitioners in these Writ Petition have already been settled by the Hon'ble Supreme Court of India in the judgment



reported in (2020) 8 SCC 129 in the case of Indore Development Authority

Vs. Manoharlal and ors etc., which held as follows:-

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“366. In view of the aforesaid discussion, we answer the questions as under:

1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of Act of 2013, there is no lapse of proceedings. Compensation has to be determined under the provisions of Act of 2013.

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 Act of 2013 under the Act of 1894 as if it has not been repealed.

3. The word or used in Section 24(2) between possession and compensation has to be read as nor or as



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and. The deemed lapse of land acquisition proceedings under Section 24(2) of the Act of 2013 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.

4. The expression 'paid' in the main part of Section 24(2) of the Act of 2013 does not include a deposit of compensation in court. The consequence of non-deposit is provided in proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance with the provisions of the Act of 2013. In



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case the obligation under Section 31 of the Land Acquisition Act of 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the Act of 2013 has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the Act of 1894.

5. In case a person has been tendered the compensation as provided under Section 31(1) of the Act of 1894, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). Land owners who had refused to accept compensation or who sought reference for higher



compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the Act of 2013.

6. The proviso to Section 24(2) of the Act of 2013 is to be treated as part of Section 24(2) not part of Section 24(1)(b).

7. The mode of taking possession under the Act of 1894 and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).

8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case



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authorities have failed due to their inaction to take possession and pay compensation for five years or more before the Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

9. Section 24(2) of the Act of 2013 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 Act of 2013, 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.”



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7. The Hon'ble Supreme Court of India settled all proposition of law in the above judgment including the grounds raised by the petitioners. Admittedly, these Writ Petitions have been filed after 30 years of the acquisition of the lands. The awards had been passed on various dates and the possession of the acquired lands were also handed over to the Tamil Nadu Water Supply and Drainage Board on 10.11.1986 and 06.12.1986 by the Special Tahsildar (L.A). The Tamil Nadu Water Supply and Drainage Board, in turn, handed over the possession to the Coimbatore Corporation on 09.10.1988 itself. The compensation amount was also deposited in the Civil Court. Therefore, the petitioners failed to satisfy the twin requirements under Section 24 (2) of the New Act, i.e., the physical possession of the land was not taken and the compensation has not been paid/tendered/deposited in accordance with law. In view of the above dictum laid down by the Hon'ble Supreme Court of India, the issues raised by the petitioners were settled and therefore, the acquisition proceedings had not lapsed by operation of law under Section 24 (2) of the new Act i.e., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In view of the settled position of law, the writ petition is devoid of merits and liable to be dismissed.



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8. In the result, these Writ Petitions stand dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs

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Index : Yes

Speaking order

Neutral Citation : Yes

To

- 1.The Secretary to Government of Tamil Nadu,
Municipal Administration & Water Supply Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Chairman and Managing Director,
Municipal Administration & Water Supply Department,
Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Coimbatore District,
Coimbatore.
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S.M.SUBRAMANIAM, J.

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- 6.The Revenue Divisional officer,
Coimbatore.
- 7.The Tahsildar,
Madukkarai Taluk,
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- 8.The Special Tahsildar (LA),
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W.P.Nos.24443 to 24447 of 2017

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