



W.A.Nos.2802 and 1690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.2802 and 1690 of 2023

W.A.No.2802 of 2023:

The Managing Director,
State Industries Promotion Corporation
of Tamil Nadu Limited (SIPCOT),
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-600 008.

.. Appellant

Vs

1.Ritesh Kumar Dhariwal

2.The State of Tamil Nadu,
rep. by its Secretary,
Industries Department,
Secretariat, Chennai-600 009.

3.The District Collector,
Kancheepuram District,
Kancheepuram.

4.The Special Tahsildar (L.A),
Oragadam Scheme, SIPCOT, Irugattukottai,
Sriperumbudur Taluk,
Kancheepuram District.

.. Respondents



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W.A.No.1690 of 2023:

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1.The State of Tamil Nadu,
rep. by its Secretary,
Industries Department,
Secretariat, Chennai-600 009.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Special Tahsildar (L.A),
Oragadam Scheme, SIPCOT, Irugattukottai,
Sriperumbudur Taluk,
Kancheepuram District.

.. Appellants

Vs

Ritesh Kumar Dhariwal

.. Respondent

PRAYER: Appeals under Clause 15 of the Letters Patent against the order dated 16.2.2018 passed by the learned Single Judge in W.P.No.16653 of 2017.

For the Appellant : Ms.Sudharshana Sunder
in W.A.No.2802 of 2023

For the Appellants in : Mr.R.Raman Laal
W.A.No.1690 of 2023 Advocate General
and respondents 2 to 4 assisted by Mr.T.K.Saravanan
in W.A.No.2802/2023 Government Advocate

For Respondent No.1 : Mr.K.Surender
in W.A.No.2802/2023
and sole respondent in
W.A.No.1690/2023



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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Ms.Sudharshana Sunder, learned counsel for the appellant in W.A.No.2802 of 2023; Mr.K.Surendar, learned counsel for the first respondent in W.A.No.2802 of 2023 and the sole respondent in W.A.No.1690 of 2023; and, Mr.R.Raman Laal, learned Additional Advocate General, assisted by Mr.T.K.Saravanan, learned Government Advocate for respondents 2 to 4 in W.A.No.2802 of 2023 and the appellants in W.A.No.1690 of 2023.

2. These appeals are filed against the judgment and order passed by the learned Single Judge dated 16.2.2018 in W.P.No.16653 of 2017. In the impugned order, the learned Single Judge has partly allowed the writ petition by setting aside the award dated 15.3.2001. As the compensation is not paid, the learned Single Judge came to the conclusion that the acquisition stands lapsed. However, the learned Single Judge further observed that as



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possession was already taken, it is difficult to put back the petitioner in possession of the property.

3. In view of the judgment of the Supreme Court in the case of *Indore Development Authority v. Manoharlal and others, (2020) 8 SCC 129*, the acquisition does not lapse under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 if either the compensation is paid or possession is taken. In the present case, admittedly, possession has been taken.

4. In the light of the above, the impugned judgment of the learned Single Judge is quashed and set aside. The original petitioner has already filed a reference under Section 18 of the Land Acquisition Act, 1894. It is for the original petitioner to prosecute the same in accordance with law.

The writ appeals are accordingly allowed. There will be no order as to costs. Consequently, C.M.P.Nos.23440 and 14939 of



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2023 are closed.

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(S.V.G., CJ.)

(D.B.C., J.)

11.10.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

- 1.The Secretary,
State of Tamil Nadu,
Industries Department,
Secretariat, Chennai-600 009.
- 2.The District Collector,
Kancheepuram District,
Kancheepuram.
- 3.The Special Tahsildar (L.A),
Oragadam Scheme, SIPCOT, Irugattukottai,
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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