



W.P.(MD) No.3312 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.3312 of 2020

K. Kumaravelu

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Secretary to Government,
Department of Agriculture, Fort St. George,
Chennai - 600 009.
2. The District Collector,
Ramanathapuram District.
3. The Tahsildar,
Department of Revenue, Mudukulathur,
Ramanathapuram District.
4. The Deputy Director,
Agriculture and Secretary, Marketing Committee,
Ramanathapuram at Virudhunagar,
Madurai Road, Virudhunagar.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, to declare the acquisition proceedings acquiring the petitioner's land in Survey No.



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84/5A, Melamudukulathoor Village, Mudukulathoor Tk.,
Ramanathapuram District, by issuing the notification under Section 6 of
the Act of 1984 vide G.O.Ms.No.1220, Agriculture (AM.1) dated
20-06-1984, to have lapsed by operation of Section 24(2) of the Right of
Fair Compensation and Transparency in Land Acquisition, Rehabilitation
and Resettlement Act, 2013.

For Petitioner : Mr.C.R.Kasiviswanathan
for Ajmal Associates
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

This writ petition was filed to declare the acquisition
proceedings acquiring the lands belonging to the petitioner by issuing
notification under Section 6 of the Land Acquisition Act, 1894 as lapsed
by virtue of the operation of Section 24(2) of the Right of Fair
Compensation and Transparency in Land Acquisition, Rehabilitation and
Resettlement Act, 2013 (hereinafter referred to as 'the RFCTLARR Act').

2. Heard the learned counsel for the petitioner and the learned
Special Government Pleader for the respondents.



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3. The case of the petitioner is that the subject lands were acquired through notification issued under Section 4(1) of the Land Acquisition Act, 1894 on 08.02.1984. This declaration was issued on 20.06.1984. According to the petitioner, the compensation amount was not paid and the land was also not put under any use. Hence, the petitioner made an application in the year 2002 seeking for reconveyance of the property under Section 48(b) of the Land Acquisition Act, 1894. Since the same was not considered, the petitioner filed W.P. No. 35229/2003 before this Court. This Court directed the first respondent to consider the representation made by the petitioner seeking for reconveyance. The first respondent rejected the request made by the petitioner.

4. The petitioner challenged the decision taken by the first respondent through proceedings dated 12.03.2010 by filing W.P.(MD) No.8969/2010. The writ petition was rejected by an order dated 27.11.2018. The relevant portion in the order is extracted hereunder:

“3. The learned counsel appearing for the fourth respondent raised two objections. The first objection is that the building in question has already



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been constructed. The second objection is that since the petitioners refused to accept the compensation, it was deposited in the Treasury. But then, whether depositing the compensation amount in the revenue account/Treasury would amount deposit which is the meaning of statute is the subject matter of reference before the Larger Bench of the Hon'ble Supreme Court. The Hon'ble Supreme Court has restrained the High Courts from dealing with the matters under Section 24 of the THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013. Therefore, even while dismissing these Writ petitions, liberty is given to the petitioners to file a fresh Writ petition in terms of Section 24 of THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013."

5. The petitioner has accordingly filed the present writ petition to declare the acquisition proceedings as lapsed by virtue of Section 24(2) of the RFCTLARR Act.

6. The third respondent has filed a counter affidavit. The third respondent has taken a very specific stand that the lands that were



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acquired have been utilized and a godown have been constructed. It is further stated in the counter that the award amount has already been deposited. In view of the same, the third respondent has sought for the dismissal of the writ petition.

7. This Court has carefully considered the rival submissions and perused the materials available on record.

8. The scope of Section 24(2) of the RFCTLARR Act was dealt with by the Constitution Bench of the Apex Court in ***Indore Development Authority v. Manoharlal and others* [2020 SCC Online SC 316]**. It was held that for the acquisition proceedings initiated under the 1894 Act to lapse, both physical possession of the lands should not have been taken and the compensation should not have been paid and the Apex Court read 'or' as 'and'. Even if one of the conditions has been satisfied, the acquisition proceedings will not lapse. In the instant case, the possession has already been taken over by the agricultural marketing committee and it is now being utilized as a godown. In view of the same, Section 24(2) of the RFCTLARR Act will not come to the aid of the



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petitioner. Accordingly, the acquisition proceedings initiated under the 1894 Act does not lapse. This Court does not find any merit in this writ petition. Accordingly, the writ petition stands dismissed. The compensation amount has already been deposited by the respondents and it is left open to the petitioner to withdraw the compensation amount with the accrued interest, if any. No costs.

03.10.2023

NCC : Yes/No

Index : Yes/No

RR

To

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N.ANAND VENKATESH, J.

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