



W.P.(MD)No.7643 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.7643 of 2020

and

W.M.P.(MD).No.7135 of 2020

1.P.Chellaiah @ Velu Konar (Died)

2.S.Mohan Palanichamy

3.R.Uma Lakshmi

... Petitioners

*(P-2 and P-3 are substituted vide Court Order dated 27.10.2022
in W.M.P.(MD).No.2304 of 2022 in W.P.(MD).No.7643 of 2020)*

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Adi Dravidar Welfare Department,
Secretariat, Fort St.George,
Chennai.

2.The District Collector,
Collectorate,
Madurai – 20.

3.The District Adi Dravidar Welfare Officer,
Madurai Collectorate Campus,
Madurai – 20.



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4.The Special Tahsildar (Land Acquisition),
Adi Dravidar Welfare Unit No.I,
Collectorate Campus,
Madurai – 20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare that the acquisition had lapsed as per the section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in Sy.No.117/2 measuring an extent of 1 Acre 36 cents at Karadipatti Village, Madurai District.

For Petitioner : Mr.Niranjana S.Kumar

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed for declaration declaring that the acquisition had lapsed as per Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as RFCTLARR Act).

2. The case of the petitioner is that the acquisition proceedings were initiated in the year 2001 for acquiring the land for the purpose of issuing free house site patta for Adi Dravidar. The notification was issued and the award was also passed in the year 2000. The further case of the petitioner is that the compensation amount was not disbursed or deposited and the petitioner also



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continued to be in possession and enjoyment of the property. In view of the same, the petitioner is seeking for declaring the acquisition as lapsed in view of Section 24(2) of RFCTLARR Act.

3. The scope of Section 24(2) of RFCTLARR Act was considered by the Constitution Bench in the case of *Indore Development Authority Vs ManoharLalSharma* reported in *2020 SCC Online SC 316*. It was held that the acquisition will lapse only if both the possession has not been taken and the compensation amount has not been paid. This Judgment was subsequently followed by this Court in the case of *K.Saraswathi Vs State of Tamil Nadu, Represented by its Secretary to Government, Housing and Urban Development Department* reported in *2020 (2)Writ Law Reporter 345*.

4. In view of the above, the petitioner has to establish that the possession was not taken and the award amount was also not paid / disbursed before the coming into force of 2013 Act.

5. When the matter was taken up for hearing, the learned Special Government Pleader produced the relevant records. It will be more appropriate to scan the endorsement and extracted as such:



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6. It is clear from the above that the compensation amount of a sum of Rs.30,607/- was deposited on 24.01.2001 before Sub Court, Madurai through Cheque No.998724.

7. In view of the above record that was produced before this Court, it is seen that the compensation amount has already been deposited in the year 2001 itself. Hence, the ingredients that has to be satisfied to declare the acquisition proceedings as lapsed under Section 24(2) of RFCTLARR Act, are not fulfilled in this Writ Petition and as a result this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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N.ANAND VENKATESH, J.

Nsr

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