



W.P.(MD)No.12315 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.12315 of 2020

and

W.M.P.(MD).Nos.10560, 10562 and 13504 of 2021

1.M.Simion

2.G.Vimala

... Petitioners

Vs.

1.The District Collector,
Office of the District Collector,
Dindigul District.

2.The Project Director,
National Highways Authority of India (NHAI) (PIU)
Madurai – 625 020.

3.The District Revenue Officer cum
Competent Authority,
Land Acquisition,
45-E (Dindigul – Theni – Kumuli) Road,
Dindigul.

4.The Special Tahsildar (L A.)
National Highways,
No.45-Extension,
Dindigul.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the third respondent in Na.Ka.No. 1807/2010/A3 dated 15.06.2020 and quash the same insofar as the petitioners are concerned and declare the entire land acquisition proceedings initiated against these petitioners in respect of their properties comprised in S.Nos.138/25D, 138/25E and 138/25F situated at Vakkampatti Village, Aathoor Taluk, Dindigul District as null and void and consequently direct the respondents herein not to disturb the peaceful possession and enjoyment of their dwelling houses situated in the above survey fields.

For Petitioners	: Mr.R.Suresh Kumar
For R-1, R-3 and R-4	: Mr.B.Saravanan, Additional Government Pleader
For R-2	: Mr.C.Arul Vadivel @ Sekar Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the third respondent in Na.Ka.No.1807/2010/A3 dated 15.06.2020 insofar as the petitioners are concerned and to declare the acquisition proceedings as lapsed in view of Section 24(2) of Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



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2. When the matter came up for hearing on 29.11.2023, this Court passed the following order:

“The petitioner has sought for declaring the acquisition proceedings as lapsed under Section 24(2) of Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

*2. As per the judgment of the Constitution Bench in the case of **Indore Development Authority vs Manohar Lal**, reported in **2020 SCC Online SC 316**, for the acquisition proceedings to lapse, the possession must not have been taken and the compensation amount must not have been paid / deposited. In the instant case, even as per the affidavit filed by the petitioner, it is seen from Paragraph No.11 of the affidavit that the compensation amount was deposited on 19.02.2013. This was also informed to all the owners of the acquired lands and they were directed to hand over the possession.*

3. The learned counsel for the petitioners seeks for some time to argue this matter.

4. Post this case under the caption “For Orders” on 04.12.2023.”



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3. Heard the learned counsel appearing on behalf of the petitioner, the learned Additional Government Pleader appearing on behalf of the respondents 1, 3, 4 and the learned Standing Counsel appearing on behalf of the second respondent.

4. This Writ Petition was filed in the year 2020 and at that point of time, Section 24(2) of Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was interpreted in such a way that even if one of the conditions is not satisfied namely, the compensation amount is not deposited / paid or possession has not been taken, the acquisition proceedings was declared as lapsed. However, the subsequent Constitution Bench judgment in the case of *Indore Development Authority vs Manohar Lal*, reported in **2020 SCC Online SC 316**, changed the entire law and the Apex Court categorically held that both the conditions must be satisfied in order to declare the acquisition proceedings as lapsed.

5. In the instant case, there is no dispute with regard to the fact that the compensation amount was deposited on 19.02.2013 and that since the petitioners did not withdraw the amount within the time stipulated, the account was closed and hence, the petitioners have not even received the compensation till date.



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6. In the considered view of this Court, the petitioners have already lost the property and the petitioners cannot be left high and dry and the petitioners have to be paid the compensation amount for the lands acquired from them.

7. In view of the above, there shall be a direction to the third respondent to pay the entire compensation to the petitioners within a period of four (4) weeks from the date of receipt of a copy of this order. During the pendency of this case, this Court had directed the parties to maintain *status quo*. Since the acquisition proceedings has been held not to have lapsed, the possession has to necessarily hand over to the National Highways Authority of India. It will be left open to the National Highways Authority of India to take possession of the property.

8. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

06.12.2023

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



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To

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N.ANAND VENKATESH, J.

Nsr

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