



W.P.(MD)No.13592 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.13592 of 2021

and

W.M.P.(MD)No.10532 of 2021

N.Veerendran

... Petitioner

vs.

1.The District Collector,
District Collector Office, Thanjavur.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Collectorate Complex, Thanjavur.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Pattukkottai Taluk, Thanjavur District.

4.The Tahsildar,
Office of the Tahsildar, Pattukottai Taluk, Thanjavur District.

5.The Special Tahsildar,
Adi Dravidar Welfare, Pattukottai Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, declaring the land acquisition



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proceedings issued by the 5th respondent in Survey No.144/4B and 144/7A of the Thalikottai revenue Village of the Pattukottai Taluk of Thanjavur District shall be deemed to have been lapsed by the virtue of Section 24(2) of THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 and to issue patta in favour of the petitioner in survey no.144/4B and 144/7A of the Thalikottai revenue village of the Pattukottai Taluk of Thanjavur District.

For Petitioner :Mr.S.Ramsundarvijayaraj
For Respondents :Mr.B.Saravanan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to declare the acquisition proceeding issued by the fifth respondent as lapsed by virtue of Section 24(2) of Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Act and consequently, to issue patta in favour of the petitioner for S.Nos.144/4B and 144/7A.

2.Heard Mr.S.Ramsundarvijayaraj, learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader

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appearing on behalf of the respondents.

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3.The lands were acquired under the Land Acquisition Act, 1894 for providing free house site to house less Adi Dravidars by issuing the Notification under Section 4(1) of the Act on 27.01.1982 and it was published in the Government Gazette on 30.02.1982. Section 6 declaration was published in the Government Gazette on 01.06.1983. Since there was some amendment, the amendment was also published in the Government Gazette on 13.02.1984. Subsequently, the award enquiry was conducted on 26.03.1984 and the award was also passed through proceedings dated 26.03.1989 in Award No.4/83-84 and the compensation of a sum of Rs.32,447.15/- was fixed. This amount was deposited before the Subordinate Court, Pudukottai under Section 31(2) of the 1894 Act. The respondents claimed that possession was taken as on 26.03.1984 and whereas, the petitioner claimed that possession has not been taken over. However, it is seen that the acquired lands have been classified as Adidravidar Natham in the Government records and steps were also taken to issue free house site assignment pattas to 16 landless poor through proceedings dated 30.05.1993 and patta was also



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issued to the beneficiaries by the District Collector, Tanjaore on 15.08.1993. The petitioner has filed the present Writ Petition mainly on the ground that the possession has not been taken over and therefore, the acquisition proceeding has lapsed under Section 24(2) of the 2013 Act.

4.In the considered view of this Court, the issue involved in this Writ Petition has been settled by the Constitution Bench of Apex Court in ***Indore Development Authority vs Manohar Lal***, reported in ***2020 SCC Online SC 316***. The Constitution Bench has held that for invoking Section 24(2) of the 2013 Act, both the physical possession should not have been taken and the compensation amount should not have been paid and only if both these conditions are satisfied, the proceeding will lapse. If only either of the condition has been satisfied, the party cannot take advantage of the Section 24(2) of the Act.

5.In the instant case, the compensation amount has been fixed and the same has also been deposited before the competent Court. Therefore, even assuming that the possession has not been taken over, the petitioner cannot avail the benefit under Section 24(2) of the 2013 Act and the



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proceedings cannot be deemed to have lapsed, as claimed by the petitioner. That apart, this Court must also taken into consideration that the property has already been categorised in the revenue records as Adi Dravidar Natham and patta has also been issued in favour of the landless poor as early in 1993 and therefore, the relief sought for by the petitioner cannot be granted by this Court. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No

06.11.2023

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N.ANAND VENKATESH, J.

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