



W.P.Nos.224 of 2019, 3794 & 3799 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 26..04..2024
Orders Pronounced on : 11..06..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition Nos.224 of 2019
3794 & 3799 of 2023

W.P.No.224 of 2019

V.Sathish Kumar

..... Petitioner

-Versus-

- 1.The Secretary to Government,
Adi Dravidar and Tribal Welfare (LA-2) Department,
Fort St. George,
Coimbatore 641 009.
- 2.The District Collector,
Coimbatore District,
Coimbatore – 641 018.
- 3.The Special Tahsildhar,
(LA – Adi Dravidar and Tribal Welfare),
Collectorate Complex,
Coimbatore 641 018.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to
issue a *Writ of Mandamus*, directing the 2nd respondent – District Collector,



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Coimbatore District, to consider the representation of the petitioner dated 20.03.2017 seeking to release the land by giving up the acquisition proceedings under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 concerned in S.F.No.788/2 to an extent of 8 Acres (3.24.0 Hectares) dry land in Karamadai Village, Mettupalayam Taluk, Coimbatore District, within a time frame as may be fixed by this Court.

W.P.No.3794 of 2023

V.Satish Kumar

..... Petitioner

-Versus-

- 1.The Secretary to the Government,
Adi Dravidar and Tribal Welfare (LA-2) Department,
Fort St. George, Chennai 600 009.
- 2.The District Collector,
Coimbatore District,
Coimbatore 641 018.
- 3.The Special Tahsildhar,
(LA-Adi Dravidar and Tribal Welfare),
Collectorate Complex,
Coimbatore 641 018.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a *Writ of Certiorarified Mandamus* calling for the records relating to the impugned order issued by the 3rd respondent in Award No.2/95-96 dated 26.02.1996 and to quash the same and for a consequential direction to the



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respondents to pay the fair compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 with respect to the petitioner's land admeasuring 8.00 Acres in S.No.788 of Karamadai Village, Mettupalayam Taluk.

W.P.No.3799 of 2023

V.Satish Kumar

..... Petitioner

-Versus-

- 1.The Secretary to the Government,
Adi Dravidar and Tribal Welfare (LA-2) Department,
Fort St. George, Chennai 600 009.
- 2.The District Collector,
Coimbatore District,
Coimbatore 641 018.
- 3.The Special Tahsildhar,
(LA-Adi Dravidar and Tribal Welfare),
Collectorate Complex,
Coimbatore 641 018.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a *Writ of Certiorarified Mandamus* calling for the records relating to the Notification in Ref.No.87663/94/N-8 dated 04.10.1995 issued under Section 4 of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 (TN Act 31 of 1978) which was published on 04.11.1995 by the 1st respondent and the consequential Award in relation to acquisition proceedings in Award No.2/95-96 dated 26.02.1996 and to quash the same in respect of the property



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belonging to the petitioner comprised in S.F.NO.788/2 of Karamadai village, Mettupalayam Taluk, Coimbatore District, as null and void and declare the above said proceedings as lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

[Prayer amended as per order dated 11.06.2024 made in
W.M.P.No.4463 of 2024 in W.P.No.3799 of 2023]

*For Petitioner(s) : Mr.N.R.Elango,
Senior Counsel for
Mr.G.R.Deepak for petitioner
in all Writ Petitions*

*For Respondent (s) : Mr.J.Ravindran.
Additional Advocate General
Assisted by Mr.A.Selvendran,
Special Government Pleader
for RR1 to 3 in all Writ
Petitions*



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COMMONORDER

The petitioner in all the three writ petitions is one and the same person. He is the son of the original land owner late Veera Raghavan whose land measuring an extent of 8.00 Acres comprised in S.No.788/2 of Karamadai village, Mettupalayam Taluk, Coimbatore District was acquired by the State under the Tamil Nadu Acquisition of land for Harijan Welfare Scheme Act, 1978 (TN Act 31 of 1978).

2. Originally, the petitioner has come up with a writ petition in W.P.No.224 of 2019 for a mandamus to the 2nd respondent to consider representation dated 20.03.2017 which was submitted by him seeking to release the land by giving up the acquisition proceedings under the TN Act 31 of 1978.

3. Pending the above writ petition, the petitioner has filed W.P.No.3794 of 2023 challenging the Award No.2/95-96 dated 26.02.1996 passed by the 3rd respondent mainly on the ground that compensation determined by the authorities concerned have not been deposited till date and therefore, he is entitled to fair compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



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4. So also, the petitioner filed another writ petition in W.P.No.3799 of 2024 challenging the Notification issued under Section 4 of TN Act 31 of 1978 in Ref.No.87663/94/N-8 dated 04.10.1995 which was published by the 1st respondent on 04.11.1995 and the consequent award in Award No.2/95-96 dated 26.02.1996 as null and void on the ground that the entire acquisition proceedings got lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. The facts leading to the filing of the writ petition in W.P.No.229 of 2019, in brief, are as follows:-

(a) An extent of 8.00 Acres of land comprised in T.S.No.788/2 of Karamadai Village Mettupalayam Taluk, Coimbatore District, was ancestral property purchased by the petitioner's grand father-N.Veerasamy Chettiar and after his demise it was inherited by the father of the petitioner - Veera Raghavan and the brother of the father of the petitioner - V.Subramanian. The father of the petitioner filed a civil suit in O.S.No.865 of 1987 on the file of the Subordinate Judge, Coimbatore and the same was decreed in favour of the father of the petitioner on 31.10.1988 and hence, the father of the petitioner – late Veera Raghavan had become the absolute owner of the subject property.



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During the life time of the father of the petitioner, the above said land was sought to be acquired for the welfare of Adi Dravidar community people and in pursuance of the same, a notification under Section 4(1) of the Act was issued on 04.10.1995 and an award was passed on 26.02.1996 determining compensation for the acquired land.

(b) Challenging the acquisition proceedings a writ petition in W.P.No.14189 of 1996 was filed by the father of the petitioner which was dismissed on 07.02.2002 and as against the same an appeal in W.A.No.1514 of 2002 was filed which was also dismissed on 06.07.2006. Thereafter, the father of the petitioner Veeraraghavan died on 10.06.2009 leaving behind the petitioner, his mother – Lakshmi Bai, sisters Sujatha and Suganthamala. The petitioner sent a representation dated 09.02.2012 to the District Collector, Coimbatore and Special Tahsildar, Coimbatore to re-convey the subject land as the purpose for which it was acquired was not achieved and the possession was then held by them. He filed a writ petition in W.P.No.4812 of 2012 seeking disposal of his representation dated 09.02.2012. The said writ petition was however dismissed by order dated 02.03.2012 with an observation that re-conveyance can only be made by the Government in exercise of its power conferred under Section 48-B of the Land Acquisition Act, 1894.



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(c) Although the land was acquired in 1995, neither of the beneficiaries have taken possession nor residing there. Further, the amount determined as compensation by Award dated 26.02.1996 has not been paid to the land owner nor it was deposited before the reference court, hence he sent a representation dated 23.12.2015 and subsequently, another representation dated 05.01.2016 to the respondents. As there was no reply from the respondents to his representations, he filed a writ petition in W.P.No.4321 of 2016 and this court by order dated 23.02.2016, directed the Government to consider the representation of the petitioner dated 05.01.2016 for re-conveyance of the land and pass orders on merits in accordance with law. Pursuant to the same, he sent a detailed representation dated 20.03.2017 to the District Collector, Coimbatore however, the Government, in the mean time, vide its letter dated 08.07.2016 directed the District Collector, Coimbatore, to pass necessary orders as per the directions of this court in W.P.No.4321 of 2016.

(d) It is the further case of the petitioner that though the land was sought to be acquired in 1995, acquisition proceedings could not be completed and as such the entire acquisition proceedings came to be lapsed in view of the advent of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitations and Resettlement Act, 2013. After the new Act came into being



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the State of Tamil Nadu had brought in an amendment by way of “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014” to the new Act by inserting Section 105-A after Section 105 of the new Act under the caption “105-A – Provisions of this Act not to apply to certain Tamil Nadu Acts or to apply with certain modifications”. The FIFTH SCHEDULE was added to the new Act, specifying the enactments relating to acquisition by the said Amendment Act, 2014. Therefore, the 2nd respondent has to independently consider the representation of the petitioner dated 20.03.2017. Though the 2nd respondent has called for particulars with regard to acquisition proceedings, so far no orders have been passed on the representation made by the petitioner.

(e) It is the further case of the petitioner that an amount of Rs.89,322/- which was determined under the award as compensation towards the acquired land was not paid to the land owner nor it was deposited in the court. Further, the acquired land is kept vacant and not at all plotted out and it is kept idle and the possession still continues with the petitioner and his family. Hence, the writ petition seeking mandamus.

6. The 2nd respondent – District Collector, Coimbatore, filed his counter affidavit in W.P.No.224 of 2019 *inter-alia* contending as under:-



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(a) that land measuring an extent of 08.00 Acres of land belonging to M/s.Gobald Motors Private Limited was sought to be acquired under Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 and a notification was issued in this regard. Since the owner of the land did not appear for enquiry on 08.09.1995 despite having received notice for enquiry under Section 4(1) of the Act, it was concluded by the Land Acquisition Officer that the land owner had no objection for the proposed land acquisition. Thereafter, notification under Section 4(1) of the Act was published and award enquiry was conducted on 26.02.1996. Even though the land owner firm received enquiry notice, none appeared for the enquiry conducted on 26.02.1996 and therefore an ex parte award was passed on 26.02.1996. A copy of the award was also sent to the land owner by RPAD. The land was divided as house sites and assignments were issued to 216 Adi Dravidars on 19.03.1996 by the Land Acquisition Officer [for short “the LAO”].

(b) It is further contended by the 2nd respondent that the land was originally belonged to one N.Veerasamy Chettiar and on his death as his legal heir V.Veera Raghavan filed a writ petition in W.P.No.14189 of 1996 which was dismissed on 07.02.2002 and the appeal preferred by V.Veera Raghavan in W.A.No.1514 of 20022 was also dismissed by a Division Bench of this Court



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on 06.07.2006. As a result of interim order of stay granted by the Division Bench of this court in Writ Appeal, possession of the acquired land could not be taken immediately by the Land Acquisition Officer. After the demise of the original land owner V.Veera Raghava Chettiar on 10.06.2009 , one of his legal heirs, the petitioner herein filed a civil suit in O.S.No.123 of 2011 on the file of the District Munsif, Mettupalayam along with an application in I.A.No.322 of 2011 for ad interim injunction against the LAO and the District Collector not to alter the physical features of the acquired land by putting up construction or otherwise till the disposal of the suit and the District Munsif was pleased to pass an interim order on 16.06.2011 directing both the parties to maintain status quo as found by the learned Advocate Commissioner during inspection on 19.04.2011. Thus, the entire acquired land had been kept vacant on account of the order of status quo.

(c) While so, the petitioner sent a representation dated 09.02.2012 to the District Collector, Coimbatore and the Land Acquisition Officer (LAO) requesting to re-convey the acquired land as the purpose for which it was acquired did not fructify by virtue of his continued possession. On the other hand, he filed a writ petition in W.P.No.4812 of 2012 for a direction to the authorities concerned to dispose of the representation dated 09.02.2012. But,



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the said writ petition was dismissed on 02.03.2012. On the strength of order of status quo granted by the learned District Munsif, Mettupalayam, he sent another representation on 05.01.2016 seeking re-conveyance of the acquired land to the Government. Pending such representation, he moved another writ petition before this court in W.P.No.4321 of 2016 seeking a writ of mandamus directing the government to consider his representation dated 05.01.2016 which was disposed of by order dated 20.02.2016. Thereupon, the Government forwarded the representation dated 29.06.2016 to the District Collector, Coimbatore to pass necessary orders as directed by the High Court. On such communication from the Government and on further representation presented by the petitioner on 29.06.2016 the District Collector, Coimbatore, obtained a report from the LAO. The report indicated that none of the beneficiaries were found living on the assigned plots nor whereabouts were known and the land is continued to be a vacant site for 22 years since the assignments were granted to the beneficiaries on 19.03.2016.

(d) The 2nd respondent further contended that since the award was passed *ex parte*, the award amount was ordered to be deposited before the reference court and as per Section 30 of the Act, award amount was deposited before the Principal Subordinate Judge, Coimbatore by way of cheque along with receipt



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in the prescribed form viz., 'Form D' through letter dated 14.03.1996 by the LAO. The said cheque was, however, returned by the Sub Judge on 19.01.2004 raising certain queries with a request for revalidation and the same was not thereafter redeposited before the court for depositing the amount into the civil court deposit. The cheque was therefore lapsed w.e.f. 19.01.2004. The compensation amount as determined in the award was not thereafter re-deposited before the Court to the credit of reference made under Section 30 of the Land Acquisition Act.

(e) Mean while, after repealing the Principal Land Acquisition Act, 1894, a new Act 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitations and Resettlement Act, 2013 (for short "LARR Act, 2013) has been introduced which has come into force w.e.f. 01.01.2014. Thereafter, Section 105-A was inserted after Section 105 of of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitations and Resettlement Act, 2013 by the Tamil Nadu Government by enacting an Amendment Act called "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014 (TN Act 1 of 2015) under caption "105-A. A provision of this Act not to apply to certain Tamil Nadu Acts or to apply with certain modifications",



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The FIFTH Schedule was added to the LARR Act, 2013 specifying the enactments relating to acquisition by the said Amendment Act, 2014.

According to the schedule, the provisions of LARR Act, 2013 shall not be applied to the Tamil Nadu Acquisition of Land for Harijan Schemes Act, 1978 (TN Act 31 of 1978). The Amendment Act was notified w.e.f. 01.01.2014 and the same was published by the Government of Tamil Nadu Government Gazette Extraordinary Issue No.3 under Part IV - Section 2 on 05.01.2015. The Tamil Nadu Act 31/1978 has therefore a bearing on the erstwhile Land Acquisition Act, 1894 which has since been repealed pursuant to the advent of LARR Act, 2013 .w.e.f. 01.01.2014. Since Notice under Section 4(1) of the Act was issued and published by the Collector, Coimbatore, under the Tamil Nadu Act 31 of 1978, a special Act and the Government have also directed the Collector to pass necessary orders on the representation of the petitioner for re-conveyance of land, a decision has to be taken although there is no provision in the Special Act for re-conveyance. The subject field was inspected on 14.02.2023. There were 163 cement sheet roof huts put up and electric line poles were found erected by TNGEDCO.

(f) It is therefore contended by the 2nd respondent that since there is no provision for the release of the lands acquired from the acquisition proceedings



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under the Tamil Nadu Act 31 of 1978, the writ petition is liable to be dismissed.

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7. Pending writ petition in W.P.No.224 of 2019 taking cue from the counter affidavit filed into the court on 30.01.2019 and the judgement of the Hon'ble Supreme Court in the case of **Indore Development Authority v. Manoharlal [2020 (8) SCC 129]**, the petitioner has come up with two other writ petitions in W.P.No.3794 of 2023 and W.P.No.3799 of 2023 challenging the award and the land acquisition proceedings mainly on the ground that as per proviso to Section 24 of Act, as the amount determined as compensation for the acquired land was not deposited in the account of the beneficiary, he is entitled to compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. According to the petitioner, as admitted by the 2nd respondent in the counter affidavit based on guideline value of the adjoining lands, he is entitled to Rs.30,38,04,800/- for 8.00 Acres of land.

8. The 2nd respondent-District Collector, Coimbatore, filed counter affidavits to the writ petitions in W.P.No.3794 of 2023 and W.P.No.3799 of 2023 individually. Though the 2nd respondent denied the ownership of the petitioner based on the revenue records as the land continued to in the name of



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the erstwhile owner viz., M/sGobald Motors Private Limited, the contentions *inter alia* made in the counter affidavits are nothing but replica of the counter affidavit filed to the writ petition in W.P.No.224 of 2019.

9. Heard Mr.N.R.Elango, learned senior counsel for the petitioner in all writ petitions and Mr.J.Ravindran, learned Additional Advocate General for the respondents in all writ petitions.

10. Though the writ petition in W.P.No.224 of 2019 was filed by the petitioner for a mere mandamus seeking a direction to the District Collector Coimbatore to consider the representation dated 20.03.2017 submitted by the petitioner seeking to release the land measuring an extent of 8.00 Acres comprised in S.F.No.788/2 of Karamadai by giving up the acquisition proceedings under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, in the counter affidavit dated 28.01.2019 filed by the 2nd respondent into the court on 30.01.2019 to the writ petition in W.P.No.229 of 2019, while admitting that following factual aspects, the 2nd respondent denied title over the subject property in favour of the father of the petitioner and *inter alia* contended that the petitioner could at the most is entitled to enhanced compensation:-

(i) though the writ petition in W.P.No.14189 of



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1996 filed by the father of the petitioner challenging the notification issued under Section 4(1) of Special Act was dismissed, on appeal in W.A.No.1514 of 2002 at the instance of the unsuccessful land owner, interim order of stay was granted, however, writ petition came to be dismissed on 06.07.2006. As a result of interim stay granted by the Division Bench of this court, possession of the acquired land could not be taken by the LAO and the acquired land was not immediately used for the purpose for which it was acquired and that it had been kept unutilized all along due to the litigation.

(ii) after the demise of the original land owner- V.Veera Raghava Chettiar on 10.06.2009, one of his legal heirs, the petitioner herein filed a civil suit in O.S.No.123 of 2011 along with application in I.A.No.322 of 2011 on the file of the District Munsif, Mettupalayam, wherein an Advocate Commissioner was appointed and the learned District Munsif by order dated 16.06.2021 directed both the parties to maintain status



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quo as found by the Advocate Commissioner during his inspection on 19.04.2011; the original suit is still pending and therefore, the entire acquired land had been kept vacant on ground and

(iii) though cheque was drawn for the compensation amount determined under the award and presented before the civil court along with a reference under Section 30 of the Act, after the civil court had returned the cheque on 19.01.2024 with certain queries, it was never redeposited and therefore, the compensation amount determined under the award has not yet been paid to the land owner and the cheque got lapsed w.e.f. 19.01.2004.

The above admissions made by the 2nd respondent-District Collector, Coimbatore, had driven the petitioner to file two other writ petitions one in W.P.No.3794 of 2023 challenging Award No.2/95-96 dated 26.02.1996 and the other in W.P.No.3799 of 2023 challenging the Notification issued by the 1st respondent in Ref.No.87663/94/N-8 dated 04.10.1995 under Section 4 of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 (TN



Act 31 of 1978) which was published on 04.11.1995.

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11. The learned counsel for the petitioner would submit that the very counter affidavit filed by the District Collector in W.P.No.224 of 2019 would make it clear that possession had not been taken over till date and further no compensation has been paid. Therefore, according to the learned counsel, the entire land acquisition proceedings stand lapsed in view of the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and as such the award passed by the LAO has to be set aside and the petitioner is entitled to fair compensation as per the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

12. Mr.J.Ravindran, the learned Additional Advocate General would on the other hand contend that the writ petitions are nothing but an attempt to gain unjust or unlawful enrichment. Earlier when the land acquisition proceedings were challenged in W.P.No.14189 of 1996 by the father of the petitioner, a learned single Judge of this Court by order dated 07.02.1996 dismissed the writ petition. The writ appeal in W.A.No.1514 of 2002 filed by the father was also dismissed on 06.07.2006 holding that assignments had already been made to the beneficiaries and the beneficiaries were also residing on the lands assigned



to them.

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13. Mr.J.Ravindran would further contend that the father of the petitioner filed the writ petition in W.P.No.14189 of 1996 challenging the notification dated 04.10.1995 issued under Section 4(1) of the TN Act which was published in the District Gazette on 04.11.1995 on the ground that no notice was issued, however, the said writ petition was dismissed for the reason that possession of the acquired land had already been taken and handed over to the beneficiaries. Hence, he contended that when the matter had already reached the finality, the petitioner cannot re-agitate the same issue once again. He, therefore, prayed for dismissal of the writ petitions.

14. I have considered the rival submissions and perused the entire materials carefully.

15. Though the respondents denied the title of the father of the petitioner over the subject land based on the revenue records, now the respondents have conceded that the subject land was owned by the father of the petitioner and as such there is no dispute regarding title of the petitioner's father in respect of the subject land.

16. The land acquisition proceedings was sought to be quashed mainly on the grounds that possession of the acquired land has not yet been taken over



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and compensation for the acquired land also not yet been paid. Therefore, the entire land acquisition proceedings stand lapsed automatically in view of Section 24(2) of the new Act.

17. As rightly pointed by the learned senior counsel for the petitioner, in 2019, the petitioner filed a writ petition in W.P.No.224 of 2019 for a simple mandamus to direct the District Collector Coimbatore, to consider the representation dated 20.03.2017 submitted by the petitioner seeking to release the land measuring an extent of 8.00 Acres comprised in S.F.No.788/2 of Karamadai by giving up on the acquisition proceedings under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 and in the counter affidavit filed to the said writ petition, the District Collector stating that the assignees in whose favour the lands have been allotted did not put up any construction and the cheque drawn up towards compensation amount which was deposited in the reference court was also returned with certain queries and thereafter it was not redeposited and only in the year 2004, two other writ petitions have been filed challenging the notification issued under Section 4(1) of the TN Act and the award passed in the acquisition proceedings on the strength of the counter affidavit filed by the 2nd respondent – District Collector, Coimbatore in W.P.No.224 of 2019.



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18. Since different stand had been taken by the 2nd respondent – District Collector, Coimbatore, in the earlier counter affidavit and the counter filed in the subsequent writ petitions, this court called for the original records.

19. This court has carefully perused the entire records relating to the subject acquisition proceedings.

20. When Notification under Section 4(1) indicating the intention of the State to acquire the subject land was issued in 1995, the writ petition in W.P.No.14189 of 1996 challenging the acquisition proceedings was filed by the father of the petitioner and the same was dismissed by this court on 07.02.2002. Aggrieved by the same, the father of the petitioner filed a writ appeal in W.A.No.1514 of 2002 and a Division Bench of this Court holding that since house site pattas were issued as early as in 1996 itself in favour of 286 poor Adi Drivada and the beneficiaries had also taken possession and put up huts, dismissed the writ appeal by order dated 06.07.2006.

21. A careful perusal of the available records would go to show that when the father of the petitioner had approached this court by way of W.P.No.14189 of 1996 challenging the notification issued under Section 4(1) of the Act along with application in W.M.P.No.19351 of 1996 seeking to stay all further proceedings pertaining to the land acquisition proceedings pending disposal of



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the main writ petition, this court by order dated 01.10.1996 granted an order of interim stay of dispossession, if possession has not been taken by the respondents. However, such interim order of stay stood automatically vacated on the date when the writ petition in W.P.No.14189 of 1996 was decided finally and dismissed on 07.02.2002. The petitioner appealed against the order dated 07.02.2002 in W.P.No.14189 of 1996 by way of writ appeal in W.A.No.1514 of 2002 which was also dismissed by this court by judgement dated 06.07.2006. Much after the dismissal of the writ appeal filed by the father of the petitioner, the petitioner filed a suit in O.S.No.123 of 2011 on the file of the District Munsif, Mettupalayam along with an application in I.A.No.322 of 2011 seeking interim injunction wherein, the learned District Munsif, Mettupalayam by order dated 16.06.2011 in I.A.No.322 of 2011 granted an interim order of *status quo*. Not stopping with that, the petitioner initially filed a writ petition in W.P.No.4812 of 2012 seeking to consider and dispose of his representation dated 09.02.2012, however, this court, considering the fact that the challenge to the notification issued under Section 4(1) of the Act had already reached finality, dismissed the writ petition by order dated 02.03.2012. There again the petitioner filed another writ petition in W.P.No.4321 of 2016 seeking a direction to the government to consider his



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representation dated 05.01.2016 seeking re-conveyance of the land which was acquired by the Government. However, while dismissing the writ petition by order dated 23.02.2016, this court has held that though petitioner sought re-conveyance of the subject land as the same was not utilized the purpose for which it was actually acquired, such issue could not be gone into at that juncture. That apart, when the petitioner's father also failed in the challenge to the notification issued under Section 4(1) of the Act, no positive direction could be issued as sought by the petitioner. This court while holding so, however, directed the respondents to consider the representation of the petitioner dated 05.01.2016 as per the law. Thereafter, W.P.No.224 of 2019 came to be filed to consider his representation dated 20.03.2017 to release the subject land by giving up the entire acquisition proceedings. Only in the above writ petition, the 2nd respondent - District Collector, Coimbatore, based on the report filed by the Tahsildar took a new stand that the land is lying vacant and none of the allottees were put in possession and the compensation amount has also not been deposited as the cheque drawn towards compensation was returned by the reference court with certain queries in 2004 itself and thereafter, it was not revalidated and redeposited before the reference court for depositing the amount into the civil court deposit account.



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22. It is relevant to note that when the acquisition proceedings was challenged in 1996, it was the specific stand of the respondents that patta had been granted in favour of 286 beneficiaries in whose favour the land was assigned and the respective assignees have put up constructions thereon. However, the 2nd respondent in the counter affidavit filed to the writ petition in W.P.No.224 of 2019 suddenly took a 'U' turn and assessed the value of the subject land based on the guideline value to be more than rupees thirty crores. These aspects would clearly go to show that all was not well with the authorities.

23. The available records which were produced by the LAO would go to show that pattas had been given in the name of the respective allottees on 19.03.1996 itself. The layout plan showing the house sites allotted to the members of Adi Dravidar community belonging to Karamadai village was also available in the records. The house sites had been allotted to various beneficiaries and many of them were given patta in 1996 itself. Thereafter, association of the assignee members also gave a request to the authorities in 2018 to re-survey the land as there was discrepancy in the measurement. These documenters are very much available in the records. They consistently seek for



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resurvey of the entire extent of land, however, no steps had been taken by the respondents. In the meanwhile, challenging the acquisition proceedings, writ petitions had been filed one after the other.

24. The interim order of stay of dispossession passed by the single Judge of this Court by order dated in W.M.P.No.19351 of 1996 in W.P.No.14189 of 1996 stood vacated automatically on the date when the main writ petition was dismissed. Thereafter, it seems that the petitioner filed a civil suit in 2011 and obtained interim order of status quo. Therefore, on the mere fact that some of the assignees have not put-up construction as contended in the counter affidavit, it cannot be said that possession was not at all taken. The assignments were already made to the individual beneficiaries and pattas were also issued in the name of the respective beneficiaries, and the beneficiaries were put on possession as early as in 1996 itself. It would be further relevant to note that despite the request made by the assignees to survey the land and fix the boundary stones, the officials have not acted properly. However, suddenly, a counter affidavit was filed in 2019 in W.P.No.224 of 2019 in support of the petitioner. In this regard, a detailed enquiry has to be conducted by the respondent State against the authorities concerned. Even at the time when the notification under Section 4(1) of the TN Act was put under challenge, a



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counter affidavit was filed to the effect that possession was already taken and and house site pattas were also issued to the beneficiaries. Therefore, when the purpose of land acquisition had already been achieved the moment when the assignment of house site pattas were issued to the beneficiaries, merely because some of the beneficiaries have not entered into possession of the assigned land immediately in view of the court orders, such situation would not mean that possession of the land was not taken by the authorities or the beneficiaries in whose favour the house sites were allotted. Now, the counter affidavit filed by the 2nd respondent – District Collector, Coimbatore, that it has been clearly set out that there were 163 sheds put up by the persons who were given house site pattas and persons who purchased the house sites from the original beneficiaries put up thatched sheds. It has been further stated that 36 persons who were given house site pattas are residing in the area by putting up either cement roofing sheds, tiled roofing sheds or tin roofing sheds. It has also been stated that one common drinking water connection was provided by the then Town Panchayat and another drinking water connection has been provided by Karamadai Municipality and drinking water is being supplied once in three days and Karamadai Municipality has erected 13 electric posts through TANGEDCO and provided street lights.



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25. The District Collector, Coimbatore, has filed a status report dated nil, February, 2023 (filed into the court on 15.02.2023) narrating that Special Tahsildar (LA-Adi Dravidar & Tribal Welfare), Coimbatore inspected the site on 23.03.2017 and submitted a report stating that neither assignees/beneficiaries of the scheme were living on the house sites allotted to them nor their whereabouts were known and the acquired land is continued to be a vacant site for 22 years since the assignments were granted to assignees on 19.03.1996.

26. Thus, it seems from the above some of the officials might have colluded with the petitioner to achieve his object in getting the land released from the acquisition somehow or other. Only for that purpose repeated representations were being made one after another. filed representations one after the another.

27. The way in which the 2nd respondent district collector filed his counter affidavit giving the present market value of the subject matter of acquired land would clearly indicate that all was not well with the authorities who were dealing with file at the relevant point of time. The counter affidavits were in fact filed only in support of petitioner for the reasons best known to them.



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28. It is also relevant to be noted here that though the compensation for the acquired land was deposited by way of Cheque Bearing No.A-851252 dated 14.03.1996, for obvious reasons, the cheque was returned by the reference court on 19.01.2024, without depositing it into the CCD Account of the reference court with flimsy reasons that (i) 'D' Form receipt triplicate not filed; (ii) Village Administrative Officer's statement not filed; (iii) Form of reference not filed; (iv) statement of claimants not filed; (v) cheque required to be revalidated; and (vi) statement under Section 19(2) of the Land Acquisition Act, particulars of notice served on the claimants not filed. These facts would clearly go to show that only to stall the land acquisition proceedings, the petitioner in connivance with the officials some how or other managed to get such orders only in order to undo the settled issue. Though assignments of land were made and pattas were also issued to the various beneficiaries in the year 1996, due to pendency of the writ petitions and the interim order of status quo of the civil court assigned could not have been in a position to take possession at the relevant point of time. Therefore, it cannot be said that possession was never taken by the LAO. Even at the earliest point of time, this court by judgement dated 06.07.2006, while dismissing the writ appeal in W.A.No.1514 of 2002 filed by the father of the petitioner, taking note of the stand of the



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District Collector, Coimbatore, held that possession of the acquired land was taken over. That judgement has become final. Again, on 02.03.2012, this court while dismissing the writ petition in W.P.No.4812 of 2012 filed by the petitioner seeking to dispose of his representation dated 05.02.2012 for re-coveyance of the acquired land, held that when the Division Bench of this court had already held that house site pattas were issued to the poor adi dravidars numbering 287 on 19.03.1996 itself.

29. Now another status report dated nil, February, 2023 (filed into the court on 23.04.2024) stating that (i) 163 sheds were put up by the persons who were given house site pattas and persons who purchased the house sites from the original beneficiaries put up thatched shed; (ii) 36 persons who were given house site pattas are residing in the area by putting up cement sheet roofed sheds, tiled roofed sheds and tin roofed shed; (iii) all the persons living in the house sites belong to Scheduled Castes – Adi Dravidar community; (iv) local body viz., Karamadai Municipality has provided 13 electric posts through TANGEDCO with street lights; (v) one common drinking water connection was provided to the layout by the earlier Karamadai Town Panchayat and now another drinking water connection has been provided by the upgraded Karamadai Municipality and drinking water is supplied once in 3 days; (vi)



electricity connections were not provided to any of the individual house sites. A list of the beneficiaries numbering 216 was also annexed with the said status report.

30. In the case of **Indore Development Authority v. Manoharlal [2020 (8) SCC 129]**, it was observed and held by a Constitution Bench of the Supreme court that for deemed lapse under Section 24(2) of the Act, 2013, if the possession has been taken, compensation has not been paid then there is no lapse of acquisition proceedings. The relevant paragraph(s) of the judgement read as under:-

“366. In view of the aforesaid discussion, we answer the questions as under:

.....
.....
.....

366.3. The word “or” used in Section 24(2) between possession and compensation has to be read as “nor” or as “and”. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to



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commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse..”

31. In the case of **Government of NCT Delhi vs. Dinesh Kumar [CIVIL APPEAL NO. 3151 OF 2023 judgement dated 28.04.2023]** the supreme Court following the judgement in the case of **Indore Development Authority** (supra) has held that if one of the two ingredients of Section 24(2) of the Act, 2013 is not met, there shall not be any deemed lapse of acquisition under Section 24(2) of the Act, 2013.

32. In the instant case since the possession of the acquired land had already been taken as early as in 1996 itself, as held by the Hon’ble Supreme Court in the case of **Indore Development Authority** (supra), there shall not be any deemed lapse of acquisition under Section 24(2) of the Act, 2013.

33. In view of the factual matrix of the case and the well-settled legal position on the subject, this court is of the view that land acquisition proceedings in respect of the subject land would not get lapsed since the possession of the land had already been taken over and assigned to the



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beneficiaries and many of them have been in occupation of the land so assigned to them by raising construction with tiled roofing or cement/tin roofing. Thus, this court does not find any merit in the writ petitions and they are vexatious and nothing but a re-litigation. At the most the petitioner is entitled to interest for the compensation amount from the date of possession till date of payment as provided under the Act.

In the result, the writ petitions are dismissed, however with the observations made above. No costs.

Index : yes / no
Neutral Citation : yes / no
kmk

11..06..2024

To

- 1.The Secretary to the Government,
Adi Dravidar and Tribal Welfare (LA-2) Department,
Fort St. George, Chennai 600 009.
- 2.The District Collector,
Coimbatore District,
Coimbatore 641 018.
- 3.The Special Tahsildhar,
(LA-Adi Dravidar and Tribal Welfare),
Collectorate Complex, Coimbatore 641 018.



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N.SATHISH KUMAR.J.,

kmk

Pre-delivery Common Order
in
Writ Petition Nos.224 of 2019
3794 & 3799 of 2023

11..06..2024