



W.P.No.2414 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.2414 of 2020

and

W.M.P.No.2814 of 2020

K.A.Krishnasamy

...Petitioner

-Vs-

- 1.The State of Tamil Nadu
Represented by its Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St. George, Secretariat, Chennai – 600 009.
- 2.The Chairman and Managing Director,
Municipal Administration &
Water Supply Department,
Chepauk,
Chennai – 600 005..
- 3.The District Collector,
Coimbatore District,
Coimbatore.
- 4.The Corporation of Coimbatore,
Represented by its Commissioner,
Office of the Corporation of Coimbatore,
Coimbatore.
- 5.The District Revenue Officer,
Coimbatore District,
Coimbatore.



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6.The Revenue Divisional Officer,
Coimbatore.

7.The Tahsildar,
Madukkarai Taluk,
Coimbatore District.

8.The Special Tahsildar (LA),
Coimbatore Water Supply Scheme,
Coimbatore.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Declaration, directing that the entire acquisition proceedings initiated by the first respondent under the Land Acquisition Act 1894 in respect of lands comprised in Survey No.566/1, 2, 3, admeasuring about 2.57 acres situated in Vellalore Village, Madhukkarai Taluk (then Coimbatore Taluk), Coimbatore District belonging to the petitioner as lapsed by operation of law in view of Section 24(2) of the Rights to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Act 30 of 2013) and consequently, direct the seventh respondent to grant patta to the petitioner for the subject land and pass such further orders.

For Petitioner : Mr.S.Nedunchezhiyan

For R1, R3,
R5 to R8 : Mr.K.Surendran
Additional Government Pleader

For R2 : M/s.Y.Kavitha



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For R4

:

Standing Counsel

Mr.K.Magesh

Standing Counsel

ORDER

This writ petition is filed for issuance of a Writ of Declaration, directing that the entire acquisition proceedings initiated by the first respondent under the Land Acquisition Act 1894 in respect of lands comprised in Survey No.566/1, 2, 3, admeasuring about 2.57 acres situated in Vellalore Village, Madhukkarai Taluk (then Coimbatore Taluk), Coimbatore District belonging to the petitioner as lapsed by operation of law in view of Section 24(2) of the Rights to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Act 30 of 2013) and consequently, direct the seventh respondent to grant patta to the petitioner for the subject land.

2. When the matter came up for hearing, learned counsel appearing for the petitioner as well as learned counsel appearing for the fourth respondent are at idem that the matter was covered by the judgment of the Hon'ble Supreme Court of India reported in **(2020) 8 SCC 129** in the case of ***Indore Development Authority Vs. Manoharlal and Ors. etc.***, which held as



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follows:

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

1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1-1-2014, the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

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 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.

4. The expression “paid” in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not



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been deposited with respect to majority of landholdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the “landowners” as on the date of notification for land acquisition under Section 4 of the 1894 Act.

5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.

6. The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).

7. The mode of taking possession under the 1894 Act



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and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).

8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1-1-2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e. 1-1-2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.”

3. In view of the above ratio laid down by the Hon'ble Supreme Court of India, **this writ petition stands dismissed as infructuous.** No costs.



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Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking/Non Speaking order

To

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