



W.A.No.1331 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

W.A.No.1331 of 2022
and
C.M.P.No.8417 of 2022

1. Gandhi Prasad
2. S.N. Kirubanandam
3. S.N. Krishnamoorthy
4. S.N. Bakthavatchalam

... Appellants

Vs.

1. The State of Tamil Nadu,
Rep. by Commissioner and Secretary to Government,
Housing and Urban Development,
Fort St. George, Chennai – 9.
2. The Chairman and Managing Director,
Tamil Nadu Housing Director,
Nandanam, Chennai – 35.
3. The District Collector,
Vellore District, Vellore.
4. The Special Tahsildhar (Land Acquisition)
Tamil Nadu Housing Board,
Thirupathur, North Arcot District.

... Respondents



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Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order in WP No.31224 of 2013 dated 15.11.2021 on the file of this Hon'ble Court.

For Appellants : Mrs.Srimathi V.

For Respondents : Mr.A.Selvendran,
Special Government Pleader
(for R1, R3 & R4)

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ appeal has been instituted by the writ petitioners challenging the order passed in WP No.31224 of 2013 dated 15.11.2021.

2. The writ petition was filed challenging the land acquisition proceedings initiated in the year 1986. The Writ Court considered the fact that 4(1) notification, 5(A) inquiry and declarations were made by following the due process as contemplated under the Act. During the award inquiry, the land owner participated and produced the partition deed executed between the family members during the year 1986. The petitioner also made a request to the Land Acquisition Officer to settle the entire



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compensation to her and to her sons. Considering the fact that the land acquisition proceedings were concluded in accordance with the provisions of the Act and the compensation determined had already been deposited by the respondents, the Writ Court rejected the writ petition.

3. Mr.A.Selvendran, learned Special Government Pleader would submit that the possession had already been taken by the authorities on 01.03.1999 and the compensation was deposited before the Sub Court Vellore. Since the process, as contemplated under the Land Acquisition Act, has been concluded and possession was taken, there is no scope for further interference.

4. The representation submitted by the appellants under Section 48(B) of the Land Acquisition Act for re-conveyance of the subject land was rejected by the Government by an order dated 20.03.2001. Further representation submitted were also rejected.

5. The learned Single Judge has considered the principles settled by the Constitutional Bench of the Hon'ble Supreme Court of India in the case of *Indore Development Authority Vs. Manoharlal and Ors.*¹. Thus, we

¹ (2020) 8 SCC 129



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do not find any infirmity in respect of the findings made in the writ order impugned. Consequently, the writ appeal stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(C.K.J.,)

01.08.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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WEB COPY To

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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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