



W.P.No.4686 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2024

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.4686 of 2018 and
W.M.P.No.5788 of 2018

A.C.Shanmugam

... Petitioner

Versus

1. The State of Tamilnadu,
Represented by its
Secretary to Government,
Municipal Administration &
Water Supply Department,
Fort. St. George, Chennai – 600 009.
2. The Chennai Metro Water Supply and Sewerage Board,
Represented by its Managing Director,
No.1, Pumping Station Road,
Chindatharipet, Chennai – 600 002.
3. The Special Tahsildar (Land Acquisition),
Chennai Metro Water Supply and Sewerage Board,
Sriperumandur Post and Taluk,
Kanchipuram District.
4. The Tahsildar (Revenue),
Sriperumandur Taluk,
Kancheepuram District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Declaration declaring the land acquisition proceedings commencing from notification under Section 4(1) dated 21.10.1987 issued in Tamilnadu Gazette No.40A Part-2 Section-2(Suppl.) and consequential declaration under Section 6 of the Act published in Government Gazette No.237 Part-2 Section -2 dated 25.05.1990 insofar as it pertains to the petitioner's land in Survey No.137/1, Chembarambakkam Village, Sriperumbudur Taluk, Kancheepuram District, admeasuring four acres as abated and direct the fourth respondent to carry out mutation in revenue records in favour of the petitioner.

For Petitioner : Mr.K.Sivasubramanian

For Respondents : Mr.A.Selvendran,
Spl. Govt. Pleader for R1, R3 and R4

Mrs.S.Deepika for R2

ORDER

This writ petition has been filed to declare the land acquisition proceedings commencing from notification under Section 4(1) dated 21.10.1987 issued in Tamilnadu Gazette No.40A Part-2 Section-2(Suppl.) and consequential declaration under Section 6 of the Act published in Government Gazette No.237 Part-2 Section -2 dated 25.05.1990 insofar as it pertains to the petitioner's land in Survey No.137/1, Chembarambakkam Village, Sriperumbudur Taluk,



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Kancheepuram District, admeasuring four acres as abated and direct the fourth respondent to carry out mutation in revenue records in favour of the petitioner.

2 According to the learned counsel appearing for the petitioner, notification under Section 4(1) of the Land Acquisition Act (in short 'the Act') was issued on 21.10.1987 for the acquisition of the petitioner's property situated in Survey No.137/1 in Chembarambakkam Village, Sriperumandur Taluk, Kancheepuram District admeasuring 4 acres. Thereafter declaration under Section 6 of the Act was also published on 25.05.1999. But the fact remains that till date possession was not taken and the Award amount was also not paid to the petitioner. Therefore the petitioner is entitled to get benefits under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (hereinafter referred to as the 'New Act'). In support of his contentions, the learned counsel placed reliance on the judgment of the *Hon'ble Supreme Court reported in (2014) 3 SCC 183 and (2011) 5 SCC 394*.

3 Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1, 3 and 4 would submit that after following the due procedures under the Land Acquisition Act, Award was passed in the year 1992



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itself. Further letter dated 15.04.1993 was sent to the petitioner to receive the award amount and the petitioner after receiving the same sent communication dated 25.04.1993 stating that he was not in station and sought time. Therefore the contention of the learned counsel for the writ petitioner is not acceptable. In fact, the writ petitioner earlier filed writ petition seeking re-conveyance and the same was dismissed by this Court, against which, he also filed an appeal and the same was also dismissed. Therefore the acquisition proceedings has not been lapsed. The learned Special Government Pleader, to prove his submissions with regard to the payment, has produced the documents.

4 Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1, 3 and 4 and the learned counsel appearing for the second respondent and perused the materials available on record.

5 Admittedly notice under Section 4(1) of the Land Acquisition Act was issued on 21.10.1987 and subject land was acquired and award was also passed in the year 1992 itself. It is the grievance of the writ petitioner that neither the Award amount paid or deposited before the Civil Court nor possession was taken and hence he is entitled to get benefits under New Act, for



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which reliance also placed on the judgments of the Hon'ble Supreme Court.

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6 It is an admitted fact that the Award was passed in the year 1992 itself. i.e. prior to New Act came into force. Now the question is whether the respondents taken possession of the subject land and paid the award amount or not. The learned Special Government Pleader appearing for the respondents 1, 3 and 4 has produced letter dated 15.04.1993, which is the communication sent to the petitioner calling him to receive the award amount and it is seen that the petitioner after receiving the same sent letter dated 25.04.1993 to the respondents stating that he was not in station and he also sought time. Thereafter the petitioner did not appear before the respondents and receive the amount. There is no quarrel with the settled proposition of law laid down in the decisions of the Hon'ble Supreme Court relied on by the learned counsel for the petitioner, but the same are not applicable to the facts and circumstances of the case on hand.

7 In view of the above, the contention of the learned counsel appearing for the writ petitioner is not acceptable and the relief sought for in the writ petition cannot be granted.



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Accordingly, the writ petition shall stand dismissed. However, it is stated that so far the writ petitioner has not received the compensation amount and hence it is for the petitioner to workout his remedy before the acquisition officer to get the award amount and if the petitioner approaches the respondents, the respondents concerned is directed to pay the amount with all accrued interest. Consequently connected miscellaneous petitions is closed. No costs.

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Index: Yes/No
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To

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Municipal Administration &
Water Supply Department,
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P.VELMURUGAN, J.,

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