



W.A.No.759 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.759 of 2023

A.Royar

.. Appellant

Vs.

1. The Government of Tamil Nadu  
Rep. by its Secretary to Government  
Adi Dravidar and Tribal Welfare Department  
Fort St. George, Secretariat  
Chennai 600 009.

2. The Special Tahsildar  
Adi Dravidar Welfare  
Aranthangi  
Pudukottai District.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 26.07.2022 made in W.P.No.20704 of 2014.

For the Appellant : Mr.A.Palaniappan



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For the Respondents : Mr.A.Edwin Prabakar  
State Government Pleader

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.A.Palaniappan, learned counsel for the petitioner and Mr.A.Edwin Prabakar, learned State Government Pleader for the respondents.

2. The appellant has filed the writ petition for Declaration that the acquisition of lands of the writ petitioner bearing S.Nos.142/1 and 142/2 in Theethanipatti Village, acquired pursuant to the notification under Section 4(1) of the Land Acquisition Act and award pursuant thereto has lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The learned Single Judge dismissed the writ petition. Aggrieved thereby, the present appeal.



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3. Learned counsel for the appellant submits that the possession of the land remains with the present appellant even after the award was passed. The compensation amount was never paid to the appellant or his father.

4. The notice under Section 12(2) that was issued also depicts that the writ petitioner's father was called upon to receive the amount. Though it is suggested that the amount was deposited in the Court, the cheque was returned back. The amount of compensation, as per the award, was never paid to the appellant or his father. In view of that Section 24(2) of the Act is squarely applicable.

5. There is no dispute that the land of the writ petitioner/his father was acquired. The writ petitioner's father, it appears that, has challenged the acquisition by filing a writ petition, wherein, stay was granted to his dispossession. The said writ petition was subsequently dismissed.



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6. It needs to be considered that the writ petitioner's father was offered the compensation amount. The writ petitioner's father did not accept the award. The writ petitioner's father sought reference to be made under Section 18(1) of the Land Acquisition Act, 1894. The reference was made to the Court under Section 18(1) of the Act, 1894. In the said Reference, the amount of compensation was deposited by cheque in the Civil Court. It appears that after the stay was granted to dispossession, the said amount was returned by the Court. The endorsement is made that the bank draft dated 31.03.1992 obtained from the State Bank of India for Rs.95,735/- towards the cost of acquisition site is enclosed as land owners refused to receive the compensation.

7. The judgment of the Apex Court in the case of ***Indore Development Authority v. Manoharlal [(2020) 8 SCC 129]*** would be squarely applicable. The learned Single Judge has properly considered the same.



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8. The writ appeal, as such, disposed of. There shall be no order as to costs. Consequently, C.M.P.No.7388 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

05.03.2024

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

1. The Secretary to Government  
Adi Dravidar and Tribal Welfare Department  
Fort St. George, Secretariat  
Chennai 600 009.
2. The Special Tahsildar  
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