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W.A.Nos.1398, 1392, 1393, 1394, 1396, 1403 & 1404 of 2021 (7 cases)

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.Nos.1398, 1392, 1393, 1394, 1396, 1403 & 1404 of 2021

and

C.M.P.Nos.8638 8644, 8646, 8649, 8652, 8664, 8675 of 2021

W.A.No.1398 of 2021

The Executive Engineer &
Administrative Officer,
The Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Coimbatore - 641 012.

... Appellant

Vs.

1. Sathyamoorthy
2. Manickam
3. Velusamy
4. Anandhan
5. Baktavatsalam
6. Jayanthi
7. Venkatesh
8. Priya
9. Jayaprakash



W.A.Nos.1398, 1392, 1393, 1394, 1396, 1403 & 1404 of 2021 (7 cases)

10. The State of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.

11. The Special Thasildar (LA),
Housing Scheme Unit - III,
Tatabad,
Coimbatore District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order in W.P.No.13613 of 2013 dated 15.04.2016.

For Appellant : Mr.A.M.Ravindranath Jeyapal
Standing Counsel for TNHB

For R1 to R9 : Mr.R.N.Amarnath

For R10 & R11 : Mr.A.Selvendran
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The present intra-court appeals have been instituted by the Executive Engineer and the Administrative Officer of the Tamil Nadu Housing Board challenging the common order dated 15.04.2016.



W.A.Nos.1398, 1392, 1393, 1394, 1396, 1403 & 1404 of 2021 (7 cases)

2. The land belonged to the respondents were acquired by the Government for the benefit of the Tamil Nadu Housing Board.

3. Mr.R.N.Amarnath, the learned Counsel appearing on behalf of the respondents would submit that the award passed under the Land Acquisition Act was came to be challenged by the land owners in the writ petitions.

4. It was argued before the writ court that the award passed by the Land Acquisition Officer is to be construed as *non est*, on the ground that the procedures as contemplated under the Act were not followed. The writ court considered the fact that possession was not taken by the Land Acquisition Officer and more-so, the compensation was not deposited before the competent Court or under the Revenue Deposit. On the said two grounds, the writ petitions were allowed.

5. The Tamil Nadu Housing Board preferred the writ appeals.

6. Mr.A.M.Ravindranath Jeyapal, the learned Standing Counsel appearing on behalf of the appellant would mainly contend that the findings of



W.A.Nos.1398, 1392, 1393, 1394, 1396, 1403 & 1404 of 2021 (7 cases)

the writ court that the compensation had not been deposited is incorrect. The appellant has produced the original receipts to establish that the compensation had been deposited on the file of the Principal Sub-Court at Coimbatore.

7. However, Mr.R.N.Amarnath, the learned Counsel appearing on behalf of the respondents emphatically contended that the compensation had not been deposited and the land owners have thoroughly verified this by approaching the Principal Sub-Court at Coimbatore.

8. In view of the contradictory submissions made between the parties, this Court directed the Registrar (Judicial), High Court of Madras to verify whether the compensation amount has been deposited in the present case. Upon verification, the Report of the Principal Sub-ordinate Judge, Coimbatore is produced before this Court by the Registrar (Judicial), High Court of Madras. The Report of the learned Principal Sub-Judge dated 31.07.2024 reads as under:



W.A.Nos.1398, 1392, 1393, 1394, 1396, 1403 & 1404 of 2021 (7 cases)

From P.K.Sivakumar, Principal Subordinate Judge, Coimbatore.	To The Hon'ble Principal District Judge, Coimbatore.
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D.No.155/24

Dated:31.07.2024

Honoured Madam,

Sub:	Cases - Civil Cases - Common order received from the Hon'ble High Court of Madras in W.A.No.1398, 1392 to 1394, 1396, 1403 and 1404 of 2021 in W.P.2383, 2388, 2391, 2394, 2398, 2401 to 2404 of 2019 and CMP.Nos.8638, 8644, 8646, 8649, 8652, 8664 and 8675 of 2021 dated 25.07.2024 - Received - Report called for - Submission - Regarding.
Ref:	Phone message received from the Hon'ble Registrar (Judiciary), High Court of Madras, Chennai on 29.07.2024.
	Official memorandum received from the Hon'ble Principal District Court in A.No.1187/2024 D.No.673 of 2024 dated 29.07.2024

I humbly submit that, as per reference cited above the compensation in Award No.11 of 1987 dated 04.12.1987, the award amount of Rs.6,78,984/- has not been deposited in LA.No.13 of 1981 (Award No.11 of 1987) by the Land Acquisition Officer on the file of Principal Subordinate Judge, Coimbatore. I further submit that the above particulars verified in the Deposit Register, Cheque Issue Register, Ledger and Repayment Register. The connected award number in LA.No.13 of 1981 (Award No.11 of 1987) so far LAOP also has not been numbered in this Court.

This is submitted for your Honour's kind information.

Yours faithfully,
sd/-
Principal Subordinate Judge,
Coimbatore.



W.A.Nos.1398, 1392, 1393, 1394, 1396, 1403 & 1404 of 2021 (7 cases)

9. In view of the fact that the possession had not been taken from the land owners and the appellant could not able to establish that they have deposited the compensation amount before the Court concerned, Section 24 (2) of the Land Acquisition of the year 2013 would apply in the present case. The twin conditions contemplated by the Constitution Bench Judgment in *Indore Development Authority v. Manoharlal and ors* reported in (2020) 8 SCC 129, have been violated. Thus, the respondents are entitled for the relief and the land acquisition proceedings are to be construed as *non est*, in view of the non compliance of either of the conditions as stipulated in *Indore Development Authority* case.

10. Thus, we do not find any infirmity in respect of the writ orders impugned and the same stands confirmed. Consequently, all the writ appeals are **dismissed**. No costs. Connected miscellaneous petitions are closed.

[S.M.S., J.] [C.K., J.]

01.08.2024

(1/2)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



W.A.Nos.1398, 1392, 1393, 1394, 1396, 1403 & 1404 of 2021 (7 cases)

To

1. The Executive Engineer &
Administrative Officer,
The Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Coimbatore - 641 012.
2. The State of Tamil Nadu,
Represented by its Secretary,
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S.M.SUBRAMANIAM, J.

AND

C.KUMARAPPAN, J.

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Judgment in
W.A.Nos.1398, 1392, 1393, 1394,
1396, 1403 & 1404 of 2021

01.08.2024
(1/2)