



W.P.No.6805 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.6805 of 2020

and

W.M.P.No.8105 of 2020

- 1.R.Nagalakshmi
- 2.Sulosana
- 3.Suseela
- 4.Sarojini
- 5.Anandhi

...Petitioners

-Vs-

- 1.The Secretary to Government,
Public Works Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Collectorate Complex,
Coimbatore – 18.
- 3.The District Revenue Officer,
Collectorate Complex,
Coimbatore – 18.
- 4.The Revenue Divisional Officer,
Collectorate Complex,
Coimbatore – 18.
- 5.The Special Tahsildar (LA),
National Highways, Collectorate Complex,
Coimbatore – 18.
- 6.The Tahsildar,



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Madukkarai Taluk,
Coimbatore District.

...Respondents

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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 respondents under the Land Acquisition Act 1894 in respect of the lands belonging to the petitioners comprised in Survey No.353/3 of an extent of acre 1.47 cents, situated in Vellalore Village, Coimbatore District, become lapsed, by virtue of the operation of the provisions contained in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, (Act 30/2013) and pass such further orders.

For Petitioners : Mr.S.Nedunchezhiyan

For R1 to R6 : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Declaration, directing that the entire acquisition proceedings initiated by the respondents under the Land Acquisition Act 1894 in respect of the lands belonging to the petitioners comprised in Survey No.353/3 of an extent of acre 1.47 cents, situated in Vellalore Village, Coimbatore District, become lapsed, by virtue of the operation of the provisions contained in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and



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Re-settlement Act, (Act 30/2013).

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2. Learned counsel appearing for the petitioners submitted that the petitioners have been in possession and enjoyment of the property comprised in S.No.353/3 to an extent of acre 1.47 cents earlier through their father-in-law and now by their own right till today. Hence, the petitioners will be put under grave and irreparable hardship which cannot be compensated by any means if the land acquisition proceedings are permitted to be continued and as such, the petitioners will not be able to reap the benefits conferred under the New Act 30/2013. When the New Act 30/2013 clearly stipulates under Section 24(2) that in cases where physical possession of the land is not taken or compensation is not paid or deposited in Court, then the acquisition proceedings initiated under the Old L.A. Act is deemed to have lapsed and hence the respondents cannot continue to hold our properties under the Old L.A. Act, as the same would amount to nullifying the benefit conferred by the statute.

3. Learned Additional Government Pleader appearing for the respondents filed a counter affidavit on behalf of the respondents dated 08.09.2021 and the relevant paragraphs are extracted hereunder for better



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appreciation and understanding:

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8. *I further submit that as the entire land acquisition and also the payment of fair compensation have been made and also confirmed and finalized by the said Palanisamy Konar, all as per the Provisions of the Old Act 1894 and remained undisputed till his death in the year 2005, the necessity to invoke any provisions of the New Act 30/2013 does not arise.*

9. *I further submit that from the pleadings of the petitioners, it is ascertained that the petitioners are in knowledge of the fact that the land to an extent of acre 1.47 cents in S.No.353/3 of Vellalur Village belonging to the said Palanisamy Konar was also subjected to land acquisition in the above said proceedings. From the records filed along with this Counter Affidavit, it is ascertained that the above said lands of the said Palanisamy Konar including acre 1.47 cents in S.No.353/3 of Vellalur Village had been acquired and the said Palanisamy Konar had received the appropriate compensation. It is further ascertained that ever since the acquisition, the said land is in possession and enjoyment of the Government till date. But in this Writ Petition, the petitioners are pleading and claiming that the petitioners are in possession and enjoyment of the said acre 1.47 cents in S.No.353/3 till date. The Patta in respect of the said land in S.No.353/3 does not stand in the name of either Palanisamy Konar or the petitioners. Both the said Palanisamy Konar and the petitioners have no title, right or interest in respect*



*of the said land in S.No.353/3 or any other lands that were
acquired from the said Palanisamy Konar.*

4. Heard both sides and perused the materials available on record.

5. Taking into consideration the above factual matrix of the case, it is not in dispute that the compensation has been paid to one Mr.Palanisamy Konar, as per the Land Acquisition Act, 1894 and remained undisputed till his death in the year 2005. Hence, the necessity to invoke any provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013, does not arise.

6. Accordingly, writ petition stands closed. No costs.

Consequently, connected miscellaneous petition is closed.

14.06.2024

cda
Index : Yes/No
Speaking / Non-Speaking Order

J.SATHYA NARAYANA PRASAD, J.

cda

To



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