



W.P.No.23583 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

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- 1.B.Veerammal
- 2.Subramanian
- 3.Adilakshmi
- 4.Pappathi
- 5.Uma Parameswari
- 6.Vedalakshmi
- 7.Maheswari

... Petitioners

versus

- 1.The Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 9.
- 2.The Collector,
Cuddalore District,
Cuddalore.
- 3.The Sub-Collector,
Revenue Divisional Officer,
Cuddalore.
- 4.The Chairman-cum-Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai .



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5. The Executive Officer &
Administrative Officer,
Tamil Nadu Housing Board,
Villupuram.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Declaration that the acquisition of 12485 sq.ft in T.S.No.2334 in Vilvarayanatham, Cuddalore, Cuddalore Taluk, Cuddalore District under G.O.Ms.No.1189, dated 17.08.1983, followed by Award No.7/1988 dated 03.08.1988 passed by the third respondent stands lapsed under Section 24 of Act 30/2013.

For Petitioners : Mr.R.Gururaj

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
for R1 to R3

Mr.C.Kalaichelvan
Standing counsel for TNHB
for R4 and R5

ORDER

The petitioners seek for a declaration declaring that the land acquisition proceedings initiated in respect of the land measuring an extent of 12485 sq.ft in T.S.No.2334 in Vilvarayanatham, Cuddalore, Cuddalore



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Taluk, Cuddalore District under G.O.Ms.No.1189, Housing and Urban Development, dated 17.08.1983, followed by Award No.7/1988, dated 03.08.1988 passed by the third respondent stood lapsed, in view of Section 24(2) of the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30/2013)" [hereinafter referred to as "the New Act"].

2. The learned counsel for the petitioners submitted that the petitioners are the absolute owners of the subject property. The first respondent had issued a Notification under Section 4(1) of Land Acquisition Act, 1894 [hereinafter 'the said Act'] vide G.O.Ms.No.1189, Housing and Urban Development, which was published in the Tamil Nadu Government Gazette dated 17.08.1983, for the purpose of developing houses under the Neighbourhood Scheme. Thereafter, enquiry under Section 5-A of the said Act was conducted on 10.10.1983. Subsequently, Declaration under Section 6 of the said Act in G.O.Ms.No.1099, Housing and Urban Development, dated 21.07.1986, was issued and the same was published in Tamil Nadu Government Gazette, dated 24.12.1986. While so, an Award was also



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passed on 03.08.1988, vide Award No.7/1988, determining compensation.

The learned counsel further submitted that though the subject property was acquired and Award was also passed in the year 1988, the purpose for which the land was acquired, had not been utilised and it is said to be reserved for bank and, still it remains vacant and also compensation amount was not paid/deposited and hence, the Acquisition Proceedings shall be deemed to have lapsed in view of Section 24(2) of the New Act.

3. The learned Standing Counsel appearing for respondents 4 and 5, by referring to the counter affidavit, contended that after considering the objections made by one Boopalan, who is the husband of the first petitioner herein and father of the other petitioners herein, the Land Acquisition Officer has passed the Award in respect of the subject property in the year 1988 itself. Subsequently, the Award amount was also deposited in the Sub Court, Cuddalore, as per the provisions of Section 31(2) of Land Acquisition Act, 1894 and physical possession of the acquired land, was also taken on 11.09.1989, and since then, the subject property are vested with the Tamil Nadu Housing Board and the layout for the composite



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scheme was got approved by the Director of Town and Country Planning, Chennai, vide reference No.LP/DTCP No.986/89 and land in S.Nos.2334/ 1 A & 3A part, were earmarked for the present composite scheme and that construction of the houses in the approved layout have been in process, which were yet to be completed and no part of the acquired land was left unused or abandoned. Once the acquisition proceedings attained finality, the petitioners cannot claim the proviso under Section 24(2) of the New Act.

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

5. On a perusal of the records, it is seen that the Government had acquired the subject property under due process of law and Award was also passed on 03.08.1988, vide Award No.7/1988, the compensation amount was also deposited in the Sub Court, Cuddalore and the physical possession of the land had been taken by the Tamil Nadu Housing Board on 11.09.1989 from the Revenue Divisional Officer, Cuddalore and layout for the composite scheme was also approved. If the acquisition proceedings are completed under due process of law, the petitioners cannot say that no



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possession has been taken by the Government and compensation was not paid/deposited. Though the acquisition proceedings have been completed well before the enactment of the New Act that came into force, the amount was deposited in the Civil Court and possession was also taken, the petitioners are not entitled to the relief as sought for in this writ petition and the same is liable to be dismissed.

6. Accordingly this Writ Petition is dismissed. There shall be no order as to costs. However, the petitioners are at liberty to work out their remedy in the manner known to law to withdraw the compensation amount lying before the Civil Court.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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