



Order dated 09.02.2024 in
W.P.No.19955 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.02.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.19955 of 2023

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Diamond Engineering (Chennai) P. Ltd.,
No.501, Vandalur, Kelambakkam Main Road,
Chennai-127,
rep. by its Chairman of the
Monitoring Committee Mr.V.Mahesh,
Chennai.

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.
2. The Tamil Nadu Housing Board,
Rep. by its Managing Director,
No.331, Anna Salai,
Nandanam, Chennai-600 034.
3. The Executive Engineer and Administrative Officer,
Besant Nagar Division,
Tamil Nadu Housing Board,
No.48, Dr.Muthulakshmi Salai,
I Floor, Shopping Complex,
Shastri Nagar, Adyar,
Chennai-600 020.
4. The Special Tahsildar,
Land Acquisition Unit-V,
Tamil Nadu Housing Board Complex,

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Aringnar Anna Shopping Complex,
7th Avenue, Thirumangalam,
Chennai-600 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration to declare that the land acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of petitioner's land comprised in Survey No.613/1B, Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District, has lapsed, in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which came into force on 01.01.2014 and declare the acquisition process as null and void.

For petitioner : Mr.B.Kannan

For respondents: Mr.A.Selvandran, Addl.G.P. for RR-1 and 4

Mr.A.M.Ravindranath Jeyapal, Standing Counsel
for TNHB for RR-2 and 3

ORDER

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Declaration to declare that the land acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of petitioner's land comprised in Survey No.613/1B, Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District, has lapsed, in view of Section 24(2) of the Right to Fair Compensation

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and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which came into force on 01.01.2014 and declare the acquisition process as null and void.

2. This Writ Petition is filed based on the deemed lapse of the land acquisition proceedings under Section 24(2) of the New Act of 2013. Admittedly, the respondents have not paid the award amount, i.e. compensation and it is stated that no possession was also taken. Though the respondents submitted that the award amount was deposited in the Treasury, as pointed out by the learned counsel for the petitioner, the award amount was deposited before the Treasury, much prior to the date of the passing of the award. Therefore, it is not possible to deposit the award amount before the Treasury in the name of the land owner, since the award was not passed on the date of deposit and no quantum of compensation was also fixed. Therefore, the fixation of the quantum of compensation cannot be made even before the passing of the award to the land owner, and if the land owner fails to receive the amount, then only they can deposit the amount in the Treasury. If the land owner is ready to receive the amount of compensation, they have to pay the amount from the Treasury deposit. In this case, there is no evidence to show that the respondents/acquisitioning body tendered the amount to the land owner after passing of the award and after proper tender, the petitioner refused to receive



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the amount of compensation. Therefore, since no proof for taking over the possession is produced, or the payment of the award amount, the impugned acquisition proceedings shall stand lapsed under Section 24(2) of the New Act.

3. With the above observations, the Writ Petition is allowed. There shall be no order as to costs.

09.02.2024

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To

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