



W.P.No.7529 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.7529 of 2016

1. M.Parvatha (deceased)

2. Lakshmibai

3. Devisree

4. R.Vijaya Sarangapani

[P3 and P4 are substituted as
Lrs of the deceased P1 as per order
dated 21.11.2023 in W.M.P.No.32341 of 2022]

... Petitioners

Vs.

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

2 The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Salem-9

3 The Commissioner of Land Administration,
Chepauk,
Chennai-600 005.

... Respondents



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PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the land acquisition proceedings acquiring the land of the petitioners in survey No. 32/2 measuring an extent of 3.11.5 hectares situated in Neikarapatti Village Salem District relating to 4(1) Notification in G.O.3(D) No. 732 dated 12.10.1992 and Section 6 Declaration in G.O. 3(D) NO. 642 dated 16.09.1993 has lapsed in view of Section 24(2) of land Acquisition Act 2014.

For Petitioner 1 :Died

For Petitioners 2 to 4 : Mr.S.Parthasarathy
Senior Advocate
for Mr.J.Ramakrishnan

For Respondents : Mr.J.Ravindran, AAG
Assisted by
Mr.T.Arunkumar
Additional Government Pleader



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ORDER

This Writ Petition has been filed to issue a Writ of Declaration, declaring that the land acquisition proceedings acquiring the petitioners' in Survey No. 32/2, measuring an extent of 3.11.5 hectares, situated in Neikarapatti Village, Salem District, relating to Notification under Section 4(1) in G.O.3(D) No. 732, dated 12.10.1992 and Section 6 Declaration in G.O. 3(D) NO. 642, dated 16.09.1993 had lapsed in view of Section 24(2) of New Land Acquisition Act of 2013.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. The New Act i.e., Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 come into force on 01.01.2014. The possession is still with the petitioner and the possession has not been taken over by the acquisition body. However, it is reported that already Award amount was deposited



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before the Civil Court concerned as per Section 24 of the New Act, and if one of the condition is complied with, ie., either the amount has been deposited or possession has taken, the lapse under Section 24(2) of the New Act would not get attracted. The possession is still with the petitioner. Since one of the condition is complied with, lapse under Section 24(2) of land Acquisition Act 2014 would not get attracted.

4. In view of the above, the Writ Petition is dismissed. There shall be no order as to costs.

22.02.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

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P.VELMURUGAN, J.

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