



WEB COPY

W.A.No.2896 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.2896 of 2021
and
C.M.P.No.19509 of 2021

1.R.Saraswathi
2.R.Kavitha
3.R.Balaji

... Appellants

Vs.

1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
Housing and Urban Development,
Fort St. George, Madras – 9.

2.The Special Tahsildhar,
Land Acquisition,
Hosur.

3.The Managing Director,
Tamil Nadu Housing Board,
Madras – 35.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the judgment in W.P.No.7136 of 2013 dated 17.03.2021.



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For Appellants : Ms.Abhirame
For Mrs.V.Srimathi

For R1 & R2 : Mr.A.Selvendran
Special Government Pleader

For R3 : Mr.A.M.Ravindranath Jeyapal
Standing Counsel
[For TNHB]

J U D G M E N T

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The writ appeal has been instituted against the order dated 17.03.2021 passed in W.P.No.7136 of 2013.

2. The writ petitioners are the writ appellants before us.

3. Perusal of the writ prayer filed in the writ petition by the appellants would reveal that it is a writ of declaration to declare G.O.Ms.No.312, Housing and Urban Development (LA.II), dated 10.06.1992 and an Award No.6 of 1994 dated May 1994, as illegal and unconstitutional.



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4. The acquisition proceedings were initiated in the year 1992 and even as per the appellants, the Award No.6 of 1994 was passed in May 1994. Admittedly, the writ petition was instituted in the year 2013 after a lapse of about 19 years from the date of passing of the award. Therefore, the writ petition itself is hit by the principles of laches.

5. The learned Single Judge considered the laches and the grounds on merit and dismissed the writ petition.

6. The learned counsel for the appellants would submit that the procedures as contemplated have not been followed. Possession has not been taken. In respect of the adjacent land, the land acquisition proceedings were quashed by this Court. Since the possession has not been taken by the appellants, the proceedings are lapsed under the new Land Acquisition Act, 2013.

7. Such ground deserves no merit consideration, since the learned Special Government Pleader appearing on behalf of the respondents 1 and 2 would submit that land was acquired pursuant to the award passed in the



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year 1994. The name in revenue records including patta has been changed in favour of Tamil Nadu Housing Board and building plan was submitted for necessary approval. Possession has also been taken.

8. May that as it be, this Court is of the considered opinion that the writ petition itself has been instituted after a lapse of 19 years from the date of passing of the award in the year 1994 and after completion of the acquisition proceedings, the lands absolutely vest with the government. Further, the compensation amount has been deposited in the revenue deposit.

9. Therefore, we do not find any infirmity in respect of the findings made by the learned single judge in the order impugned for the dismissal of the writ petition. Thus, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S., J.] [C.K., J.]
12.06.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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To

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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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