



W.A.No.1191 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.1191 of 2023

Chandra

.. Appellant

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai.
2. The Tamil Nadu Housing Board
Rep. by its Chairman cum Managing Director
Nandanam, Mount Road
Chennai 600 035.
3. The District Collector
Krishnagiri District.
4. The Special Tahsildar
Land Acquisition
Housing Section
Hosur 635 109.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the



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order dated 18.08.2021 made in W.P.No.10388 of 2015.

For the Appellant : Ms.K.Abirami
For Ms.V.Srimathi

For the Respondents : Mr.K.Karthik Jegannath
Government Advocate
for Respondents 1, 3 & 4

Mr.A.M.Ravindranath Jayapaul
for Respondent-2

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Ms.K.Abirami, learned counsel for Ms.V.Srimathi, learned counsel for the appellant, Mr.K.Karthik Jegannath, learned Government Advocate for the respondents 1, 3 and 4 and Mr.A.M.Ravindranath Jayapaul, learned counsel for the second respondent.

2. The appellant filed a writ petition bearing No.10388 of 2015. The appellant sought declaration that the entire land acquisition proceedings initiated pursuant to Section 4(1)



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notification dated 22.03.1991 has lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. The writ petition was dismissed. Aggrieved thereby, the present appeal.

3. Learned counsel for the appellant submits that though the award has been passed under the Land Acquisition Act, 1894, the possession was not taken and the compensation amount was not paid. In view of that, Section 24(2) of the Act of 2013 is squarely attracted.

4. A counter has been filed by the second respondent. It has been clarified that earlier, the appellant had filed the writ petition challenging the acquisition proceedings. The same was dismissed and confirmed by the Apex Court. The entire compensation has been deposited in the name of Special Deputy Collector. It also appears that the present appellant had filed reference under Section 18 of the Land Acquisition Act for enhancement of compensation and



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thereafter, has filed Execution petition for recovery of the enhanced compensation granted by the Reference Court.

5. The case is squarely covered by the judgment of the Apex Court in the case of **Indore Development Authority v. Manoharlal [(2020) 8 SCC 129]**.

6. The learned Single Judge has not committed any error in dismissing the writ petition. Accordingly, the appeal is dismissed. There shall be no order as to costs. Consequently, C.M.P.No.12158 of 2023 is also dismissed.

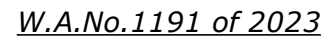
(S.V.G., CJ.)

(D.B.C., J.)
19.01.2024

Index : Yes/No

Neutral Citation : Yes/No

kpl



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