



W.P.No.27130 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.27130 of 2017

Muniyappa

... Petitioner

versus

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

2.The Special Thasildar,
Land Acquisition,
Housing Project,
Hosur – 635 109.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Hosur.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Declaration to declare that the land acquisition proceedings initiated in pursuance of Award No.1/1995, dated 12.01.1995 in respect of lands in S.No.930/2A to an extent of 0.28.5 hectares and



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S.No.930/2C to an extent of 0.35.5 hectares, Hosur Taluk, Hosur Village, Krishnagiri District, as lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Ms.K.Abhirame

For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by Mr.J.Daniel
Government Advocate for R1 and R2

Mr.Ramachandran
Standing Counsel for TNHB for R3

ORDER

This writ petition has been filed to declare the acquisition proceedings initiated in pursuance of Award No.1/1995, dated 12.01.1995 in respect of lands in S.No.930/2A, measuring an extent of 0.28.5 hectares and S.No.930/2C measuring an extent of 0.35.5 hectares, Hosur Taluk, Hosur Village, Krishnagiri District, as having lapsed by virtue of Section 24(2) of 'the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' [hereinafter referred to as 'the New Act'].



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2.The case of the petitioner is that his father originally owned the subject properties and after his demise, the petitioner and his brothers and sisters, inherited the subject properties. Ever since they had been in absolute possession and enjoyment of the aforesaid properties. While that being so, 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.1207, Housing and Urban Development, dated 08.01.1992 for the purpose of construction of dwelling units. Subsequently, declaration under Section 6 of the said Act was also published in the official gazette on 11.01.1993. While so, an Award came to be passed on 12.01.1995, vide Award No.1/1995 and the respondents have already taken possession of the subject properties on 18.01.1995. It is the further case of the petitioner that though the Award was passed in the year 1995, the purpose for which the land was acquired had not been utilised and still it remains vacant and also compensation amount was not paid/deposited and hence, the Land Acquisition Proceedings shall be deemed to have lapsed in view of Section 24(2) of the New Act.



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3. Mr.P.Kumaresan, learned Additional Advocate General, assisted by Mr.J.Daniel, learned Government Advocate appearing for respondents 1 and 2 submitted that after following the due procedures under the Land Acquisition Act, Award was passed in the year 1995 and award amount was deposited in the Treasury. In the year 1995 itself, possession was taken and handed over to the Tamil Nadu Housing Board (TNHB) and layout also formed. Only in view of the pendency of this writ petition, the petitioner's subject properties has been kept vacant. The learned Additional Advocate General further submitted that the petitioner has already approached the Civil Court for enhancement of compensation and hence, the petitioner has no *locus standi* to question the Land Acquisition proceedings. The learned Additional Advocate General in support of his submissions with regard to the formation of layouts, has produced draft layouts.

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

5. Admittedly the subject properties were acquired after following the due procedures under the Land Acquisition Act and Award was passed



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in the year 1995 itself and possession has also been handed over to the TNHB in the year 1995 itself and the award amount was deposited in the Treasury as early as on 24.03.1997. The learned Additional Advocate General, on instructions, submitted that layout has also been formed. It is also seen that aggrieved by the Award, the petitioner has already approached the competent Land Acquisition Tribunal/Civil Court for enhancement of compensation, therefore, the question of lapse by virtue of Section 24(2) of the New Act would not arise. Therefore, there is no merit in this writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law. There shall be no order as to costs.

19.01.2024
(2/2)

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
ms

Pg.Nos.6/8



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To

- 1.The Secretary to Government,
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