



W.A.(MD)No.366 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2024

CORAM:

THE HONOURABLE **MR.JUSTICE P. VELMURUGAN**  
AND  
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

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A.S.Arunachala Nadar (Died)

2. A.Avudaiyammal

3. Arumugathai

4. Sundaravadivel

5. N.Murugeswari

6. A.Sakthi Vinayagar Perumal

7. A.Saktheeswaran

8. S.Sivakami

9. A.Kanthappan

...Appellants

*(Appellants 2 to 9 are brought on record as LR's of the deceased Sole Appellant vide Court Order dated 24.09.2024 made in CMP(MD).Nos.11985 to 11987 of 2024 in WA(MD).No.366 of 2019)*

/Vs./

1. The Government of Tamil Nadu,  
Represented by its Secretary,  
Backward Classes and Most Backward Classes,  
Welfare Department, Chennai-600 009.

2. The District Collector,  
Virudhunagar District,  
Virudhunagar.



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3. The Special Tahsildar,  
(Adi Dravidar Welfare)  
Srivilliputtur,  
Virudhunagar District.

...Respondents

**PRAYER:-** Writ Appeal filed under Clause XV of Letters Patent Act, to set aside the order dated 29.10.2018 made in W.P.(MD).No.12958 of 2017 and allow the Writ Appeal.

For Appellants : Mr.V.Sasikumar

For Respondents : Mr.M.Sarangan,

Additional Government Pleader

### **JUDGMENT**

(Judgment of the Court was made by **P. VELMURUGAN, J.**)

The appellant filed this appeal challenging the order of the writ petition in W.P.(MD).No.12958 of 2017, dated 29.10.2018, declaring that the acquisition of land in S.No.762/2A of an extent of 0.52.5 hectares in Ilanthiraikondan Village, Rajapalayam Taluk, Virudhunagar District, being the subject matter of G.O.(3D).97, Backward classes and most backward Classes Welfare, dated 27.07.1993 published in Tamil Nadu Gazette dated 18.08.1993, part II Section 2 under Section 4(1) of the Land acquisition Act, 1894 as lapsed in view of Section 24(2) of the Right to fair compensation and Transparency in land Acquisition Rehabilitation and Resettlement Act, 2013, and directing the respondent



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to recover the land in S.No.762/2A of Ilanthirakondan Village, Rajapalayam Taluk, Virudhunagar District, to the appellant.

2.The said writ petition was dismissed by the learned single judge. Aggrieved over the same, the writ petitioner has filed the present writ appeal.

3.The main contention of the appellant is that the acquisition proceeding initiated under the old Act is lapsed on the ground that neither the amount was paid nor the possession was taken.

4.However, the learned Additional Government Pleader appearing for the respondents would submit that the amount was already deposited in the year 1996 itself and copy of the challan also was produced. The same also was intimated to the appellant and also possession was also taken and the same was utilized for his purpose. He would further submit that if any one of the condition was fulfilled, the lapse would not arise under Section 24(2) of the new Act/Right to fair



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compensation and Transparency in land Acquisition Rehabilitation and Resettlement Act, 2013. Since the amount was already deposited in the year 1996 itself, the lapse under the new act would not arise.

5.In view of the above, this Court finds no merit in the writ appeal. Hence, this writ appeal is liable to be dismissed.

6.Accordingly, this Writ Appeal is dismissed. However, the appellant, if so aggrieved regarding the quantum of compensation, is at liberty to work out his remedy before the appropriate forum in the manner known to law. No costs.

**(P.V.J.) & (K.K.R.K.J.)**  
**15.10.2024**

NCC :Yes/No  
Index :Yes/No  
Internet :Yes  
sbn



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WEB COPY **To:**

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Government of Tamil Nadu,  
Backward Classes and  
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2. The District Collector,  
Virudhunagar District,  
Virudhunagar.
3. The Special Tahsildar,  
(Adi Dravidar Welfare)  
Srivilliputtur,  
Virudhunagar District.
4. The Additional Government Pleader,  
Madurai Bench of Madras High Court, Madurai.



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**P. VELMURUGAN, J.,**  
**and**  
**K.K. RAMAKRISHNAN, J.**

sbn

Judgment made in  
**W.A.(MD)No.366 of 2019**

Dated: 15.10.2024