



W.P.(MD) No.24324 of 2016

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 29.08.2024**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

W.P.(MD) No.24324 of 2016

and

W.M.P.(MD) No.17573 of 2016

R.Saarojini Kannammal

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Rep., by its Secretary to Government,  
Housing and Urban Development,  
Fort St. George, Chennai-9.
- 2.The Tamil Nadu Housing Board,  
Rep., by its Chairman,  
Nandanam, Chennai-35.
- 3.The Special Tahsildar (Land Acquisition),  
Neighbourhood Scheme,  
Office of the Executive Engineer &  
Administrative Officer,  
Tamil Nadu Housing Board,  
Maharaja Nagar, Tirunelveli-11.
- 4.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Palayamkottai,  
Tirunelveli District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, to declare that the Land Acquisition Proceedings in respect of the petitioner's land in an extent of 7 cents in Plot No.48 out of 2 acres 57 cents in S.No.93 is situated at Keelanatham Village, Tirunelveli Taluk, Tirunelveli District by the 4 (1) Notification dated 22.12.1989 by G.O.Ms.No. 1205, Section 6 of declaration dated 08.03.1991 in G.O.Ms.No.331 and the third respondent's award No.2/92-93, dated 12.03.1993 are deemed to have lapsed and null and void.

For Petitioner : Mr.J.John  
For R1, R3 & R4 : Mr.B.Saravanan  
Additional Government Pleader  
For R2 : Mr.S.Velmurugan

### **ORDER**

The above writ petition has been filed to declare the acquisition proceedings in respect of the petitioner's land measuring an extent of 7 cents in Plot No.48 out of a total extent of 2 acres in S.No.93, Keelanatham Village, Tirunelveli Taluk, Tirunelveli District pursuant to the 4(1) Notification dated 22.12.1986 as null and void and also Section



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6 of declaration dated 08.03.1991 and the third respondent's award dated 12.03.1993 are deemed to have lapsed.

2. The petitioner seeks this declaration on the ground that her mother Pitchammal, who was the owner of the property in question, had executed a registered settlement deed in favour of the petitioner on 20.02.1989. Consequent to this settlement deed, the petitioner has been residing at Madurai for over 30 years and has retired from service in the year 2008. The petitioner, in December, 2014 decided to construct a house in the said property and it is only then she had come to know about the acquisition proceedings.

3. It is her contention that no notice under the Land Acquisition Act, 1894 (hereinafter referred to as “the Act”) had been served on her and, neither was she called for the 5A enquiry. Without including the petitioner, the Land Acquisition Officer has passed the award. That apart, the award has been passed beyond the period of limitation of two years as contemplated under Section 11 of the Act. That apart, there has



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been no reference under Section 18(2) of the Act by the Land Acquisition Officer.

4. The petitioner would submit that the respondents have not followed the mandatory provisions under the Act. The total compensation fixed is very low. It is also her contention that the respondents have acquired lands over and above the actual need. Since the acquisition proceedings had taken place without issuing notice to the petitioner, the same has to be declared null and void. That apart, the award amount has also not been deposited and the award has been passed beyond the statutory limitation of two years as contemplated under Section 11.

5. The second respondent for whose purpose the lands had been acquired filed a counter *inter alia* contending that the acquisition was for the purpose of providing shelter to the people under the Economically Weaker Section, Lower Income Group (LIG) and Middle Income Group (MIG) at affordable cost to the people of respective groups. The lands



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comprised in S.Nos.93, 94, 96 and 104/2 etc., measuring an extent of 12.77.5 Hectares had been acquired for the Tirunelveli Neighbourhood Scheme, Tirunelveli. This included the petitioner's lands in S.No.93. The total award amount was fixed at Rs.31,45,819/- and the said amount was also paid by the requisitioning body and possession of the lands had been handed over to the second respondent on 29.03.1993. The second respondent would submit that the Phase-I Scheme of Keelanatham Scheme covered an extent of 31.93 acres, which included the petitioner's lands measuring 1.04.0 Hectares. The layout was approved by the Directorate of Town and Country Planning in LP/DTCP No.188/1998 in which 484 plots along with 165 individual houses were made available and all plots have been sold out in the year 2010 itself. Therefore, the allegations of the petitioner that the acquisition proceedings had taken place without following the provisions of the mandatory of the Act is absolutely baseless. The entire amount of Rs.31,45,819/- was deposited to the credit of the Special Tahsildar, Land Acquisition Neighbourhood Scheme into the State Bank of India, Palayamkottai on 12.03.1993. The survey number in which the petitioner's lands are situate was also handed



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over to the second respondent on 29.03.1993 and the patta has also been mutated accordingly.

6. Heard the learned counsel on either side.

7. In the light of the contents of the counter affidavit, it is clear that the lands that had been acquired have been handed over to the requisitioning body and the same has also been developed for the purpose it has been acquired. The award amount has also been deposited. Therefore, in the light of the above, there cannot be a declaration at this point in time, that too, after over two decades of possession of the lands having been given to the second respondent.

8. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No  
Index : Yes/No  
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To

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**P.T.ASHA, J.**

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