



W.P.(MD) No.13796 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.13796 of 2017

and

W.M.P.(MD) No.10750 of 2017

Shanmugasundram

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep., by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.

2.The Revenue Divisional Officer cum
Land Acquisition Officer,
Ramanathapuram.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Ramanathapuram Housing Unit,
Ramanathapuram-623 501.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration to declare the entire acquisition proceedings has lapsed in view of the award dated 28.03.2003 in the award No. Na.Ka.No.A1/12674/89 issued by the



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second respondent in respect of Ramanathapuram Taluk, Sakkarakottai Village Survey No.132/2 (sub division No.132/2B) and etc., to an extent of 12 cents (Plot Nos.41, 42 & 43) land acquired for the Tamil Nadu Housing Board after the expiry of two years is violation of Section 11(a) and lapsed in view of non-compliance u/s. 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner	:	Mr.A.S.Mujibur Rahman
For RR1 & 2	:	Mr.D.S.Nedunchezhiyan Government Advocate
For R3	:	Mr.S.Sumesh, Standing Counsel

ORDER

This writ petition is filed to declare that the entire acquisition proceedings has lapsed in view of the award dated 28.03.2003 in Award No.Na.Ka.No.A1/12674/89 issued by the second respondent in respect of S.No.132/2 (Sub division No.132/2B) to an extent of 12 cents of land at Sakkarakottai Village, Ramanathapuram Taluk acquired for the Tamil Nadu Housing Board after the expiry of two years is violative of Section 11(a) and lapsed in view of non-compliance under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter called “the Act”).



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2. The third respondent has filed a counter, wherein it has been stated as follows:

“13. It is submitted that the award amount of Rs. 37082/- belongs to S.No. 132/2B1S was deposited in the Revenue Deposit on 24.03.2003 itself. The same was also intimated to the Ex-land owner to receive the award amount through 12(2) notice, Hence the question of the respondents failed to comply u/s 24(2) of the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013, Further the petitioner has no right to claim the award amount, hence he is a subsequent purchaser.

14. It is submitted that the land is in possession with Tamil Nadu Housing Board. The layout for the above land was approved by the Directorate of Town and Country Planning and the scheme was implemented, incurred an expenditure of Rs.1.55 crores for development works by TNHB. While the TNHB executing the development works the ex-land owners approached the Hon'ble High Court and



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obtained stay order to stop the work in W.P.No. 16722/2013 etc., due to stay order the works are stopped Hence the petitioner statement that the land is in possession with him is not correct.

15. The award amount of Rs. 37082/- belongs to S.No. 132/2B1S was deposited in the Revenue Deposit on 24.03.2003 itself. The same was also intimated to the petitioner to receive the award amount through 12(2) notice, Hence the question of the respondents failed to comply u/s 24(2) of the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013, Now the award amount has deposited in the Sub court, Ramnad. Hence the petitioner statements is false.”

3. Since the award and the deposit of compensation have all taken place before the coming into force of the Act, the petitioner's claim, to declare the acquisition proceedings as having lapsed, is not maintainable. Therefore, in the light of the submissions made in the counter of the third respondent, nothing survives for consideration in this writ petition and



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the same is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No

Index : Yes/No

abr

To

1.The Secretary to Government,
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2.The Revenue Divisional Officer cum
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