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WP.No.7423 of 1986
etc. cases

In the High Court of Judicature at Madras

Reserved on : 26.3.2025	Delivered on : 03.04.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition Nos.7423, 7424 & 8171 of 1986
& 16510 of 1990

R.Elangovan rep.by
power of attorney agent
K.Ramaranganathan.

...Petitioner in
WP.No.7423 of
1986

Parthiban rep.by power of
attorney agent Mrs.Saradamani

...Petitioner in
WP.No.7424 of
1986

1.L.Bakthavatsal (died)
2.L.Jaganathan (died)
3.L.Venkatapathi (died)
4.Tmt.Manickammal (died)

...P1 to P4 in
WP.No.8171 of
1986

5.Vasundra
6.B.Vijay Venkatasamy
7.B.Lakshmi Narayanan

(brought on record as the legal heirs



WP.No.7423 of 1986
etc. cases

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**of deceased P1 - Mr.L.Bakthavatsal
in WP.No.8171 of 1986 vide this order)**

**...P5 to P7 in
WP.No.8171 of
1986**

- 8.Mrs.Geethalakshmi**
- 9.Mr.Thulasidharan**
- 10.Mrs.Yashodha**
- 11.Mrs.Kiruthika**

**(brought on record as the legal heirs
of deceased P2 - Mr.L.Jaganathan
in WP.No.8171 of 1986 vide this order)**

**...P8 to P11 in
WP.No.8171 of
1986**

- 12.Mrs.V.Vasanthamani**
- 13.Mr.V.Rajkumar**
- 14.Mr.V.Muralidharan**

**(brought on record as the legal heirs
of deceased P3 - Mr.L.Venkatapathi
in WP.No.8171 of 1986 vide this order)**

**...P12 to P14 in
WP.No.8171 of
1986**

- 15.Mrs.Santha**
- 16.Mrs.Dheena**
- 17.Mrs.Padamalochana**
- 18.Mrs.Shakuntala**

**(brought on record as the
legal heirs of deceased P4 -
Tmt.Manickammal in
WP.No.8171 of 1986 vide
order dated 26.3.2025 in
WMP.No.10626 of 2025 by
NAVJ)**

**...P15 to P18 in
WP.No.8171 of**



WP.No.7423 of 1986
etc. cases

1986

WEB COPY

- 1.G.K.Vijayakumar (deceased)
- 2.V.Rajeshwari
- 3.V.Rajagopal
- 4.Arthi Anand
- 5.Tharini Vijayakumar

(P2 to P5 were substituted as the legal heirs of the deceased 1st petitioner as per order dated 21.12.2024 in WMP.No.38115 of 2024 by PTAJ)

...Petitioners in
WP.No.16510 of
1990

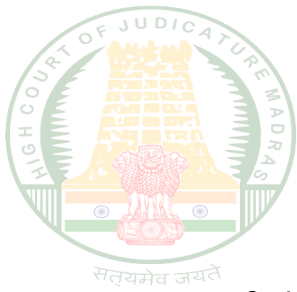
Vs

- 1.The State of Tamilnadu rep.
by its Commissioner & Secretary
to Government, Housing and Urban
Development Department,
Fort St.George, Madras-9.
- 2.The Special Tahsildar (Land
Acquisition), Housing Scheme II,
Collectorate, Coimbatore-18.
- 3.The Tamilnadu Housing Board
rep.by its Administrative Officer,
Coimbatore Housing Unit, Coimbatore.
- 4.Lakshmi Card Clothing Manufacturing
Company Pvt Ltd. rep by its Joint
Managing Director, Kuppusamynaidupuram,
Palladam Taluk, Coimbatore.

...R1 & R2 in
all the WPs

...R3 in WP.Nos.
7423, 7424 &
8171 of 1986

(R4 impleaded vide court order dated
16.11.2018 in both WPMP.Nos.105



WP.No.7423 of 1986
etc. cases

& 106 of 2015 respectively in both
WP.Nos.7423 & 7424 of 1986 by RMDJ)

...R4 in WP.Nos.
7423 & 7424 of
1986

5.V.N.A.S.Chandran
6.C.Selvarani
7.Subashini
8.Sreedharan

R4 to R6 rep.by their power agent
- R3 - Mr.V.N.A.S.Chandran

(R3 to R6 impleaded as per order
dated 05.11.2024 in WMP.No.
17764 of 2016 by PTAJ)

...R3 to R6 in
WP.No.16510 of
1990

**9.The Joint Director of Town
& Country Planning Office,
I & II Floor, No.50, FCI Road,
Gandhimaanagar, Ganapathy,
Coimbatore-641004.**

**(suo motu impleaded as a party
respondent in all the above WPs
vide order dated 26.2.2025
by NAVJ)**

**...Respondent
in all the WPs**

PETITIONS under Article 226 of The Constitution of India praying
for the issuance of

(i) a Writ of Certiorarified Mandamus to call for the records of the
1st respondent in G.O.Ms.No.905 Housing and Urban Development



WP.No.7423 of 1986
etc. cases

WEB COPY

dated 23.6.1986, quash the said proceedings dated 23.6.1986 and consequently direct the exclusion of the lands of the petitioner from Uppilpalayam Housing Scheme Phase-IV in 55, Uppilpalayam Village Coimbatore Taluk Coimbatore District (WP.Nos.7423 & 7424 of 1986);

(ii) a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in G.O.Ms.No.905 Housing and Urban Development dated 23.6.1986, quash the said proceedings dated 23.6.1986 and consequently direct the respondents the exclusion of the lands of the petitioners from Uppilpalayam Integrated Urban Development Project Scheme, Upplipalayam Village, Coimbatore Taluk, Coimbatore District (WP.No.8171 of 1986) and

(iii) a Writ of Certiorari to call for the records of the 1st respondent G.O.Ms.No.196 Housing and Urban Development dated 02.3.1988 Notification under Section 4(1) of the Land Acquisition Act and G.O.Ms.No.287 Housing and Urban Development dated 23.3.1989 Declaration under Section 6 of the Land Acquisition Act and quash the same (WP.No.16510 of 1990).

For Petitioners in both
WP.Nos.7423 & 7424
of 1986

: Mr.N.Chandrasekharan



WP.No.7423 of 1986
etc. cases

WEB COPY

all the four petitioners in
WP.No.8171 of 1986 died

For newly impleaded P5 to P7
in WP.No.8171 of 1986;

For newly impleaded P8 to P11
in WP.No.8171 of 1986; &

For newly impleaded P15 to P18
in WP.No.8171 of 1986

: Mr.T.R.Rajagopalan, SC
for Ms.P.Veena Suresh

For newly impleaded P12
in WP.No.8171 of 1986

: Mr.V.Raghavachari, SC for
M/s.ARK Law Associates
Advaidh Nela Kanttan
Sahaana Srivatsan

For newly impleaded P13
in WP.No.8171 of 1986

: Mr.P.H.Aravind Pandian, SC
Mr.S.V.Pravin Rathinam

For newly impleaded P14
in WP.No.8171 of 1986

: Mr.V.Karthik, SC for
M/s.B.Ravi Raja

For P2 to P5 in
WP.No.16510 of 1990

: Mr.P.R.Ramakrishnan, for
Ms.P.Veena Suresh

For State

: Mr.A.Selvendran, SGP

For Housing Board

: Mr.P.Kumaresan, AAG
assisted by Mr.V.Gunasekar,
Standing Counsel



WP.No.7423 of 1986
etc. cases

WEB COPY

For R4 in both WP.Nos.
7423 & 7424 of 1986

: Mr.V.Sanjeevi

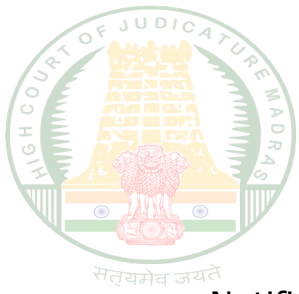
For R3 to R6 in WP.No.
16510 of 1990

: Mr.J.Sivanandaraaj, SC for
Mr.Roshan Balasubramanian

COMMON ORDER

These writ petitions have been filed assailing the Notification issued under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as the Old Act) dated 02.3.1988 and the Declarations under Section 6 of the Old Act dated 23.6.1986 and 23.3.1989 and seeking for a consequential direction for the exclusion of the lands belonging to the respective writ petitioner from Sowripalayam and Uppilipalayam Integrated Urban Development Project Scheme.

2. The properties that are covered in these writ petitions are situated at Sowripalayam and Uppilipalayam Villages. They were acquired for Uppilipalayam Neighbourhood Scheme through a Notification under Section 4(1) of the Old Act in G.O.Ms.No.196 dated 02.3.1988 measuring 43.19 acres at Sowripalayam Village. Similarly, a



WP.No.7423 of 1986
etc. cases

WEB COPY

Notification under Section 4(1) of the Old Act was issued in G.O.Ms.No.534 dated 28.5.1985 measuring 36.79 acres at Uppilipalayam Village. Pursuant to that, after completing the formalities, an enquiry under Section 5A of the Old Act was conducted by the Land Acquisition Officer, in which, all the land owners raised their objections for the acquisition of lands.

3. Thereafter, the objections of the land owners were communicated to the Requisitioning Body, which recommended to reject those objections. On considering the objections raised, the Government overruled the same and the draft Declarations under Section 6 of the Old Act were approved (i) in G.O.Ms.NO.287 dated 23.3.1989 in so far as Sowripalayam Village is concerned and (ii) in G.O.Ms.No.905 dated 23.6.1986 in so far as Uppilipalayam Village is concerned. The same were published in the Gazette and the substance of the Declarations was also published in the newspapers. On completion of the formalities, the draft Notification under Section 7 of the Old Act was approved by the Collector through proceedings (i) dated 02.6.1989 for Sowripalayam Village and (ii) dated 19.3.1987 for Uppilipalayam Village.



*WP.No.7423 of 1986
etc. cases*

WEB COPY

4. Thereafter, notices were issued under Sections 9(3) and 10 of the Old Act to all the persons interested and an award enquiry under Section 11 of the Old Act was conducted by the Land Acquisition Officer. After completion of the award enquiry, the award was pronounced vide (i) award No.1 of 1991 dated 22.3.1991 for Sowripalayam Village and (ii) award No.1 of 1989 dated 23.5.1989 for Uppilipalayam Village.

5. Pursuant to that, writ petitions were filed challenging the acquisition proceedings and interim orders were granted safeguarding dispossession of the land owners.

6. A batch of writ petitions came up for hearing and in W.P.No. 3693 of 1989 etc. cases dated 08.10.1991, the Notification under Section 4(1) of the Old Act was quashed on the ground that it suffered from vagueness. Pursuant to the said order, W.P.Nos.7423, 7424 and 8171 of 1986 along with other connected cases came up for hearing on 22.10.1991 and by relying upon the earlier order, the acquisition proceedings were quashed. Later, W.P.Nos.16510 and 16511 of 1990 came up for hearing and following the earlier orders, the acquisition



WP.No.7423 of 1986
etc. cases

WEB COPY

proceedings were quashed by order dated 26.11.1991. Thus, the acquisition proceedings that were put to challenge in these writ petitions were quashed in the year 1991.

7. After the writ petitions were allowed, Mr.G.K.Vijayakumar - the original petitioner in W.P.No.16510 of 1990 sold the lands in favour of respondents 3 to 6 therein through the sale deeds executed on 27.1.1994.

8. Aggrieved by the orders passed in the above writ petitions and other writ petitions, the Tamil Nadu Housing Board (TNHB) filed W.A.No.1568 of 1994 etc. cases. The said batch of writ appeals came up for hearing before the Hon'ble First Bench of this Court on 12.1.2015, on which date, they were disposed of by a common judgment by remitting the matters back to the Writ Court with the following directions :

"9. Thus, while allowing the writ appeals, we remit the matter back to the learned Single Judge with the following directions :

1. Learned counsels for the private respondents are granted three weeks time to urge



WEB COPY



WP.No.7423 of 1986
etc. cases

additional grounds as prayed for.

2. Counter affidavit by the appellant/ Government Department will be filed within two weeks thereafter.

3. The respondents are at liberty to raise all the grounds as are available to them arising from the factual and legal situation post passing the impugned order.

4. The appellants will also administratively examine the plea raised before us by the learned counsel for the private respondents/land owners that on account of subsequent developments and the ground reality of adjacent land, it is impracticable today to utilize the land of the respondents before us and as to whether the appellants really now want to acquire the lands. Such examination will take place within three weeks of the communication of the order.

5. All the writ petitions will be listed for directions/hearing on 04.3.2015 and it is for the learned Single Judge to take up the matters for final hearing on that day or any other convenient day at the earliest, which the learned Judge finds feasible.

6. In view of the age of the matters and the requirement of expeditious disposal, these matters be placed before R.Mahadevan,J on the said date.

7. The interim orders operating in favour of



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WP.No.7423 of 1986
etc. cases

the respondents during the pendency of the writ petitions would stand revived and would continue till the disposal of the writ petitions."

9. Pursuant to the said common judgment of the Hon'ble First Bench of this Court dated 12.1.2015, the matters were listed for final hearing before this Court.

10. Mr.T.R.Rajagopalan, learned Senior Counsel appearing on behalf of the legal heirs of deceased petitioners 1, 2 & 4 in W.P.No. 8171 of 1986 made the following submissions :

(a) Petitioners 1 and 3 in W.P.No.8171 of 1986 namely Mr.L.Bakthavatsal and Mr.L.Venkatapathi died during the pendency of the relevant writ appeal and M.P.No.42 and 43 of 2010 in W.A.No. 1324 of 1995 were filed to impead their respective legal heirs. The second petitioner in W.P.No.8171 of 1986 namely Mr.L.Jaganathan also died during the pendency of the relevant writ appeal and it was recorded while allowing the said miscellaneous petitions by common order dated 12.1.2015 subject to payment of Rs.5,000/- each towards costs to the legal heirs by the State within three weeks. But, this



*WP.No.7423 of 1986
etc. cases*

WEB COPY

conditional order was not complied with and a memo was filed in this regard. Since the said miscellaneous petitions and W.A.Nos.1568 of 1994 etc. cases were disposed of on the same day, but by two separate orders, the names of the legal heirs were erroneously recorded in the final common judgment passed in the said batch of writ appeals without ascertaining as to whether the cost was paid as was directed by the First Bench of this Court by way of a separate order.

(b) Since the cost was not paid and the condition has not been complied with, W.A.No.1324 of 1995 stood abated and consequently, W.P.No.8171 of 1986, which was earlier allowed, will revive and the order passed thereon will be binding on the official respondents. The First Bench, while disposing of the writ appeals on 12.1.2015, gave a specific direction in paragraph 9 of the common judgment directing the TNHB to come up with a specific stand as to whether they really wanted to utilize the lands considering the various subsequent developments that had taken place. But, till date, no such stand has been taken by the TNHB and this direction also has not been complied with.



WP.No.7423 of 1986
etc. cases

WEB COPY

(c) The TNHB had taken a specific stand before the Hon'ble Apex Court in the appeals filed by the land owners in **S.L.P.(Civil) Nos. 13927 & 13928 of 1996 dated 27.9.2001** by filing an affidavit to the effect that out of 455.08 acres, only 31.84 acres were taken possession and utilized, that there was no land available to implement the integrated scheme and that in spite of the same, the Government has not abandoned the scheme. A similar stand was also taken through the communication dated 28.1.2003 sent by the Executive Engineer, Special Division-II, TNHB to the Managing Director, TNHB, Nandhanam, Chennai-35 recommending for dropping the entire acquisition proceedings. This decision was taken since several buildings including hospitals, school buildings with playground and multi storied buildings were put up by getting proper sanction and the funds allotted to the project were also lying as a dead capital. However, after having acquired a large extent of land in both Sowripalayam and Uppilpalayam Villages, the TNHB is not giving up the land acquisition proceedings since the original object of having an integrated urban development scheme has become unworkable.

(d) There is a reference to an errata dated 14.8.1985 and it is not known as to what amendment was made to the Notification under

14/53



WP.No.7423 of 1986
etc. cases

WEB COPY

Section 4(1) of the Old Act and no publication was made and it is not even available in the records. No one knows as to whether this errata is for merely carrying out some corrections or a material change was made to the Notification under Section 4(1) of the Old Act, in which case, the land owners should have been put on notice while inquiring under Section 5A of the Old Act.

(e) Various objections were raised during the inquiry conducted under Section 5A of the Old Act and none of the objections was considered and they were mechanically rejected. On this ground alone, the acquisition proceedings are liable to be quashed by this Court. To substantiate this submission, he relied upon the judgment of the Division Bench of this Court in the case of ***State of Tamil Nadu Vs. Velayuthamudaliar [reported in 2024 (1) CTC 495]***.

(f) No counter was filed in W.P.No.8171 of 1986 right through. The counter came to be filed only in January 2025 and for the first time, a stand was taken to the effect that the compensation amount was deposited in revenue deposit. However, no revenue deposit was made and no possession was taken. Therefore, the proceedings itself will lapse under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act



WP.No.7423 of 1986
etc. cases

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2013 (Central Act 30 of 2013) (for short, the 2013 Act). To substantiate this submission, he relied upon a judgment rendered by me in the case of ***M.Palanisamy Vs. State of Tamil Nadu [reported in 2020 (7) MLJ 734]***.

(g) The publication was not properly effected in the local newspapers and hence, both the Notification under Section 4(1) and the Declaration under Section 6 of the Old Act stand vitiated. To substantiate this submission, he relied upon the decision of the First Bench of this Court in the case of ***Krishnan Vs. Government of Tamil Nadu [reported in 2001 (4) CTC 108]*** and the decision of a learned Single Judge of this Court in the case of ***Chinnayya Gounder Vs. State rep. by the Secretary to Government of Tamil Nadu, Housing & Urban Development Department [reported in 2003 (2) MLJ 481]***.

(h) As per the integrated scheme, the entire lands are required as a compact block, without which, the scheme will not be complete. However, the proceedings have been dropped in some cases and in many other cases, the lands have been withdrawn from the acquisition proceedings and this cannot be done in an arbitrary fashion since it will violate Article 14 of The Constitution of India. To substantiate this



WP.No.7423 of 1986
etc. cases

WEB COPY

submission, he relied upon a common order passed by a learned Single Judge of this Court in the case of ***Kovai Medical Centre Research & Educational Trust rep.by its Trustee & Others Vs. State rep. by the Secretary to Government of Tamil Nadu, Housing & Urban Development Department [W.P.Nos.16417 of 1998 etc. cases dated 30.8.2010]*** and

(i) There is absolutely no material available to show that the State Government permitted the TNHB to proceed with any other alternative scheme, in the absence of which, the TNHB cannot utilize the lands, which are lying scattered, for any other purpose other than the purpose, for which, the acquisition was made by the State.

11. Mr.V.Karthik, learned Senior Counsel appearing on behalf of the newly impleaded 14th petitioner in WP.No.8171 of 1986, apart from adopting the arguments of Mr.T.R.Rajagopalan, learned Senior Counsel, submitted that in none of the counter affidavits that were earlier filed, there was any reference to payment of compensation, that for the first time, such a stand had been taken in the counter that was filed in January 2025, that there is no material to show that the compensation was deposited in the revenue deposit, that as a



WP.No.7423 of 1986
etc. cases

WEB COPY

consequence, the compensation had not been paid and the possession had not been taken and that therefore, the entire acquisition proceedings will stand lapsed.

12. Mr.P.H.Aravind Pandian, learned Senior Counsel appearing on behalf of the newly impleaded 13th petitioner in W.P.No.8171 of 1986 adopted the arguments of Mr.T.R.Rajagopalan, learned Senior Counsel.

13. Mr.V.Raghavachari, learned Senior Counsel appearing on behalf of the newly impleaded 12th petitioner in W.P.No.8171 of 1986, made the following submissions :

(a) There is a selective release of lands by the Government in an integrated scheme and the TNHB, instead of carrying out the main object behind the acquisition, is attempting to use the scattered lands for a different purpose and the same is not sustainable. To substantiate this submission, he relied upon the decision of the First Bench of this Court in the case of ***Tamil Nadu Housing Board Vs. Uma Maheswari Ramasamy [reported in 2011 (5) CTC 503]***.



WP.No.7423 of 1986
etc. cases

WEB COPY

(b) Such discrimination will fall foul under Article 14 of The Constitution of India. Once the scheme is not able to be implemented, as is apparent from the stand taken by the TNHB in the affidavit filed before this Court, the land acquisition proceedings will have to be entirely given up and it cannot be done in a pick and choose manner. To substantiate this submission, he relied upon the judgment of the Hon'ble Apex Court in the case of ***State of Tamil Nadu Vs. L.Krishnan [reported in 1996 (7) SCC 450]***.

(c) No new plan has been given for going ahead with a different scheme till date in the available lands. The compensation amount has not been paid and the possession has not been taken. Therefore, the acquisition proceedings stand lapsed under Section 24(2) of the 2013 Act. To substantiate this submission, he relied upon the judgment of the Division Bench of this Court in the case of ***N.Devanathan & Others Vs. State of Tamil Nadu rep.by its Secretary to Government, Chennai & Others [reported in 2023 (2) MLJ 277]***.

14. Mr.V.Sanjeevi, learned counsel appearing for the fourth respondent in both WP.Nos.7423 & 7424 of 1986 made the following submissions :

19/53



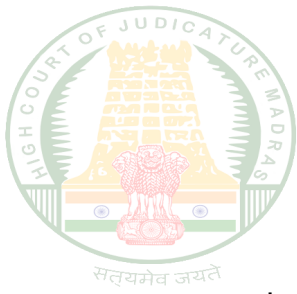
WP.No.7423 of 1986
etc. cases

WEB COPY

(a) The respective writ petitioner namely Mr.R.Elangovan & Mr.Parthiban were the original owners of the lands in Uppilipalayam Village and the fourth respondent, through the registered sale deeds dated 20.8.1993, purchased the lands measuring nearly acres 2.87 cents nearly after two years of allowing the writ petitions in 1991. Subsequently, an extent of 7 cents of land was sold by the fourth respondent in the year 2002 and the purchaser also constructed a house in the said land.

(b) The writ appeals were filed with a substantial delay only in the year 1994/1995 by the TNHB and in the meantime, the fourth respondent purchased the property and their name got mutated in the revenue records. Thereafter, the fourth respondent developed the property by getting proper planning permission and the building plan approval from the concerned Authorities and an apartment complex was constructed consisting of six floors with 98 flats and all the 98 flats are occupied by the purchasers along with the undivided share.

(c) The property belonging to the fourth respondent falls in Phase IV of Block No.4 in Uppilipalayam Village. In so far as Block No.1 is concerned, only an extent of acres 19.04 cents was taken over possession, but it was not utilized. In Block No.2, out of acres 46.99



WP.No.7423 of 1986
etc. cases

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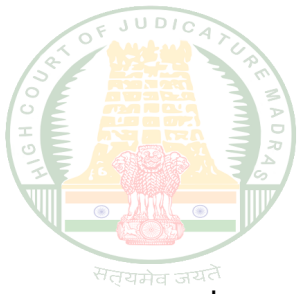
cents, an extent of acres 12.05 cents has been excluded. Out of this, for acres 12.03 cents, the proceedings were quashed and the Government excluded these lands and the remaining area of acres 20.57 cents was allowed to lapse. In Block No.3, the entire lands have been developed and no land has been taken over possession. In Block No.4, an extent of acres 4.60 cents has been taken over possession out of acres 61.82 cents. In so far as Block No.5 is concerned, no land acquisition proceedings were initiated since the entire extent of land has been developed.

(d) Thus, the object, with which, the acquisition proceedings were initiated for an integrated scheme no longer subsists.

He also adopted the arguments of Mr.T.R.Rajagopalan, learned Senior Counsel with respect to the other aspects of challenge.

15. Mr.P.R.Ramakrishnan, learned counsel appearing for petitioners 2 to 5 in W.P.No.16510 of 1990, apart from adopting the arguments of Mr.T.R.Rajagopalan, learned Senior Counsel, submitted as follows :

(a) There are totally three blocks involved in Sowripalayam Village, out of which, the lands in Blocks Nos.2 and 3 have already



WP.No.7423 of 1986
etc. cases

WEB COPY

been dropped from the acquisition proceedings. What is available as on date is only Block No.1 consisting of acres 43.91 cents and it is only through this block, the access is available Block Nos.2 and 3. If Block No.1 alone is subjected to acquisition, the lands in Block Nos.2 and 3 cannot be utilized.

(b) The inquiry under Section 5A of the Old Act was conducted in a mechanical fashion and the objections were rejected and that itself is a ground for interfering with the acquisition proceedings. There was an order of stay of dispossession granted on 26.11.1991 whereas for the first time, the TNHB has come up with the counter stating that possession was taken over on 20.11.1991, which is six days prior to the interim order granted by this Court.

(c) In the earlier counter affidavits, there was no whisper about the possession being taken over by the TNHB. Apart from that, in the reply that was filed in W.A.No.1568 of 1994, the TNHB took a very specific stand that the scheme will be implemented only after taking over possession of the land. Therefore, it is evident that no possession was taken by the TNHB. The compensation amount also was not paid and therefore, the the entire acquisition proceedings has lapsed under Section 24(2) of the 2013 Act.



WP.No.7423 of 1986
etc. cases

WEB COPY

(d) The stand taken at paragraph 22 of the counter affidavit, by relying upon the judgment of the Hon'ble Supreme Court, will not apply to the petitioners since that was a case where initially, the owner had invoked Section 48B of the Old Act seeking for reconveyance and later resorted to Section 24(2) of the 2013 Act. It was held that both the stands cannot co-exist and that the Court did not go into the question of deposit of compensation.

16. Mr.Sivanandaraaj, learned Senior Counsel appearing on behalf of respondents 3 to 6 in W.P.No.16510 of 1990 made the following submissions :

(a) The property was purchased only after the acquisition proceedings were quashed in the year 1991. The objections that were raised under Section 5A of the Old Act were not considered and they were rejected in a mechanical fashion. The ground that was taken in paragraph 3 of the affidavit filed in support of the writ petition and the reply that was given in the counter affidavit at paragraph 7 would show that the objections were not considered. Hence, the land acquisition proceedings must be interfered on that ground alone. To substantiate this submission, he relied upon the judgment of the



WP.No.7423 of 1986
etc. cases

WEB COPY

Hon'ble Supreme Court in the case of ***Surender Singh Brar Vs. Union of India [reported in 2013 (1) SCC 403]***.

(b) There is no parity while releasing the lands, which were the subject matter of the same acquisition proceedings. The above writ petitions were dealt along with W.P.No.16511 of 1990 whereas the lands covered therein were released through G.O.Ms.No.179 dated 04.10.2024. If that is so, the lands covered in W.P.No.16510 of 1990 should also be released. To substantiate this submission, he relied upon the decisions of the Hon'ble Supreme Court in the case of ***Hari Ram Vs. State of Haryana [reported in 2010 (3) SCC 621]*** and in the case of ***State of Haryana Vs. Niranjan Singh [reported in 2023 SCC OnLine SC 186]***.

17. Per contra, the learned Additional Advocate General appearing on behalf of the TNHB made the following submissions :

(a) The objections that were raised during the enquiry under Section 5A of the Old Act were properly considered and only thereafter, they were overruled and the Declaration was published under Section 6 of the Old Act. Subsequently, the award enquiry was completed and the award was also pronounced and the notice was also



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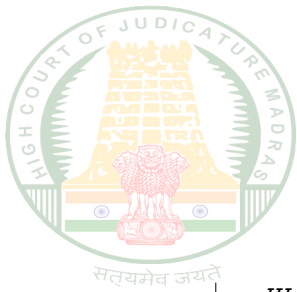
served under Section 12(2) of the Old Act to the land owners.

(b) In the meantime, the acquisition proceedings came to be challenged and an interim order was passed not to dispossess the land owners. Thus, the entire procedure was properly followed and there is no ground to interfere with the acquisition proceedings.

(c) After the First Bench pronounced the orders in the batch of writ appeals directing the TNHB to administratively examine the feasibility of continuing with the acquisition proceedings and considering the subsequent developments, a physical audit was conducted and a report was given by the Executive Engineer concerned. The relevant portions in the report that was relied upon by the learned Additional Advocate General are extracted as hereunder :

"In Coimbatore District, Sowripalayam Village and Uppilpalayam Village, the land was acquired for Uppilpalayam Neighbourhood Scheme. The acquired land spliced as Phase I to Phase IV. The subjected case filed in the lands covered in Phase IV. The lands situated in Phase IV further divide as a block by follow :

Block No.	Extent in Acres	Award passed Extent	Award not passed	Possession handed over	Possession not handed over	Scheme implemented	Remarks
<i>Sowripalayam Village</i>							
<i>I</i>	<i>43.19</i>	<i>43.19</i>	<i>-</i>	<i>39.57</i>	<i>3.62</i>	<i>-</i>	<i>WP.16510 of 1990</i>
<i>II</i>	<i>46.99</i>	<i>-</i>	<i>46.99</i>	<i>-</i>	<i>-</i>	<i>-</i>	



WP.No.7423 of 1986
etc. cases

III	69.75	-	69.75	-	-	-	
Uppilipalyam Village							
IV	61.82	61.82	-	4.60	57.22	4.60	WP.7423, 7424 & 8171/ 1986
V	58.61	-	58.61	-	-	-	

As per the reference cited above, para 9(4)
in WA 1568, 1324, 1323 & 1322 of 1994 order dt.
12.01.2015 the site was inspected on 18.12.2024
by Thiru G.Jacob Nayagam, the Executive Engineer
& Ado and Thiru P.Vijayan, Assistant Engineer of
Coimbatore Housing Unit and find out the
feasibility of housing scheme as follows:

I. WP.16510 of 1990 – Sowripalayam Village:

1	Petitioner Name	:	G.K.Vijayakumar & Others
2	S.F.No.	:	45, 46/1, 47/2, 56, 57 & 63
3	Extent	:	12.20 acres
4	Present status of land	:	1. Land is still vacant and full of light jungles 2. The land have the main road approach and located nearer to residential area 3. The bus stand, railway station, hospital, major educational institution and airport are all within the 10 Km radius of the subject land 4. The housing scheme to be implemented in the subject land is very much helpful to the general public
5	Google map & inspection photos	:	Enclosed

II. WP 8171 of 1986 – Uppilipalyam Village:

1	Petitioner Name	:	1. L.Bakthavatsal & Others
2	S.F.No.	:	181, 183/1, 184/1, 185, 187, 189, 190, 191 & 192
3	Extent	:	36.79 acres
4	Present status of land	:	1. All portion of the land is still vacant 2. One temporary structure construction work is under process in the northern portion of the land (SF.No.181) 3. The land have the main road approach and



WP.No.7423 of 1986
etc. cases

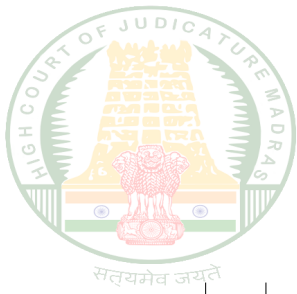
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			located nearer to residential area
			4. The housing scheme was already implemented mid portion of the subject lands
			5. The bus stand, railway station, hospital, major educational institution and airport are all within the 10 Km radius of the subject land.
			6. The housing scheme to be implemented in the subject land is very much helpful to the general public.
5	Google map & inspection photos	:	Enclosed

III. WP.7423 of 1986 – Upplipalayam Village

IV. WP.7424 of 1986 – Sowripalayam Village :

1	Petitioner Name	:	1. R.Elangovan 2. R.Parthiban
2	S.F.No.	:	205, 206, 207 & 208
3	Extent	:	12.92 acres
4	Present status of land	:	1. The main road was formed named as perk's road over the subject lands of S.F.No.205, 206, 207 & 208. 2. In SF.No.205 part of southern part is still vacant 3. Remaining portion of SF.No.205 four RCC building and one portion of mansrover apartment was constructed 4. One old asbestos godown is still there 5. In SF.No.206, mansrover apartment was constructed 6. In SF.No.207 six RCC buildings was constructed the portion between the building are still vacant 7. In SF.No.208, major portion covered as machester apartments, perks enclave building 8. The minor area used as a play ground by a perks sports academy 9. The land have the main road approach and located nearer to residential area 10. The bus stand, railway station, hospital major



WP.No.7423 of 1986
etc. cases

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			<i>education institution and airport are all within the 19 Km radius of the subject land</i>
			<i>11. The housing scheme to be implemented in the vacant portion of the southern side of the lands is very much helpful to the general public.</i>
5	Google map & inspection photos	:	Enclosed"

(d) In so far as W.P.No.8171 of 1986 pertaining to Uppilpalayam Village is concerned, an extent of acres 36.79 cents is available and there are only some temporary structures on the northern portion of the land. The land has the main road approach and it is located in close proximity to bus stand, railway station, hospital, airport, etc. The TNHB is ready to implement the housing scheme in the available vacant land.

(e) In so far as W.P.No.16510 of 1990 is concerned, an extent of nearly acres 41.49 cents is available and it is located near a residential area and it is in proximity to bus stand, railway station, hospital, airport, etc. and the housing scheme can be implemented in the subject lands.

(f) In so far as W.P.Nos.7423 and 7424 of 1986 are concerned, a major portion of the lands has been utilized for putting up constructions and in S.F.No.205, a small portion on the southern side is still vacant and the same can be utilized for implementing the



WP.No.7423 of 1986
etc. cases

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housing scheme.

(g) There was no selective release of lands and wherever it was found that it was not feasible to utilize the lands under the acquisition proceedings, they were released and in so far as the petitioners are concerned, a large extent of vacant land is available for implementing the housing scheme.

(h) Even though originally the acquisition proceedings were initiated for the integrated township, due to various developments that took place subsequently, certainly the TNHB can implement the housing scheme and the same will not, in any way, defeat the main object of the original acquisition and the lands that were acquired for a public purpose can also be utilized for any other public purpose.

(i) Possession has been taken over in accordance with law and the lands have been handed over to the TNHB and the compensation amount has also been deposited and withdrawn on the side of the petitioners. Hence, there is no question of acquisition proceedings getting lapsed under Section 24(2) of the 2013 Act.

(j) In order to substantiate his submissions, the learned Additional Advocate General relied upon the following :

(i) judgment of the Hon'ble Apex Court in the



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WP.No.7423 of 1986
etc. cases

case of **Chandraguda Ramgonda Patil and Another Vs. State of Maharashtra and Others** [reported in 1996 (6) SCC 405];

(ii) judgment of the Hon'ble Apex Court in the case of **C.Padma & Others Vs. The Deputy Secretary to The Government of Tamil Nadu & Others** [reported in 1997 (2) SCC 627];

(iii) judgment of the Hon'ble Apex Court in the case of **Northern Indian Glass Industries Vs. Jaswant Singh** [reported in 2003 (1) SCC 335];

(iv) judgment of the Hon'ble Apex Court in the case of **Tamil Nadu Housing Board Vs. Keeravani Ammal & Others** [reported in 2007 (9) SCC 255];

(v) judgment of the Hon'ble Apex Court in the case of **Afcons Infrastructure Ltd Vs. Nagpur Metro Rail Corporation Ltd. & Another** [reported in 2016 (16) SCC 818];

(vi) judgment of the Hon'ble Apex Court in the case of **Indore Development Authority Vs. Manoharlal And Others** [reported in 2020 (8) SCC 129];

(vii) judgment of the Hon'ble Apex Court in the case of **Galaxy Transport Agencies Vs. New J.K.Roadways, Fleet Owners & Transport Contractors** [reported in 2021 (16) SCC 808];



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WP.No.7423 of 1986
etc. cases

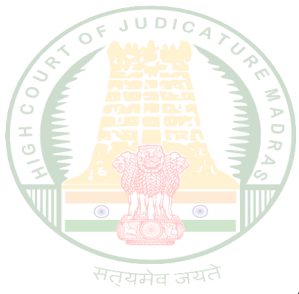
(viii) judgment of the Hon'ble Apex Court in the case of Delhi Development Authority Vs. Anita Singh & Others [reported in 2023 (6) SCC 113];

(ix) judgment of the Hon'ble Apex Court in the case of **NOIDA Vs. Darshan Lal Bohra [reported in 2024 SCC OnLine SC 1690];**

(x) common judgment of the Division Bench of this Court in the case of **the Member Secretary, CMDA, Chennai-8 Vs. K.G.Chinnaiya Naidu (deceased) & Others [W.A.Nos.1679 to 1682 of 2015 dated 09.8.2023];**

(xi) judgment of the Division Bench of this Court in the case of **the Member Secretary, CMDA, Chennai-8 Vs. P.R.S.Andal & Others [W.A.No.3520 of 2019 dated 20.9.2023].**

18. During the course of hearing, this Court suo motu impleaded the Joint Director of Town and Country Planning Office, Coimbatore by order dated 26.2.2025 and directed him to provide the particulars of the various developments that had taken place during the pendency of these writ petitions after getting necessary approval from the Planning Authority and the building approval from the Corporation and as to how the entire topography underwent a change. This Court wanted a



WP.No.7423 of 1986
etc. cases

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report in order to satisfy itself as to whether, considering the subsequent developments where several properties, which originally formed part of the scheme, have been developed, the TNHB will be able to implement the original object of an integrated township in the available lands.

19. Pursuant to the above order, Mr.Selvendran, learned Special Government Pleader took notice on behalf of the Town and Country Planning Authority and thereafter, a report was submitted before this Court. The relevant portions in the report are extracted as hereunder :

".....

3. I state that pursuant to the directions of this Hon'ble Court, inspection was done by this respondent and this respondent has segregated the various survey numbers in various blocks. During inspection, it was found that following development have taken place in the following survey number and the same is extracted hereunder. I am also annexing the plan map for perusal of this Hon'ble Court:

S.No	Survey No. & Writ Petition No.	Planning approval details	Remarks
1	WP.No.16510/1990 Block I S.No.45, 46/1, 55, 56, 57, 58 and	Nil	Entire property is vacant and there is no development and the property has an access road



WP.No.7423 of 1986
etc. cases

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	63/1, Savaripalayam Village, Singanallur Taluk, Coimbatore District measuring 12.20 acres		
2	WP.No.16510/1990 Block II	No approval granted by this respondent (b) S.No.205/3A & 205/3E residential apartment approval granted vide planning approval No.351/2006 (c) S.No.205/1, 205/2, 206/2, 207/2 pt, 207/3, 208/3pt., 212/1Apt. approval for construction of residential apartment vide approval No.38/ 2007 (d) S.No.208/1A, residential apartment granted vide approval No.219/2007 (e) S.No.208/1A and 19/1A residential house approval granted vide approval No.45/2018 (f) S.No.208/1 pt., 209/pt., 210pt., school building	Residential houses, commercial Coimbatore & Assistant Commissioner, East, Coimbatore Corporation. Since most of the land are developed, there is no scope for fresh development by the Housing Board Building, temple, burial ground, Government liquor shop are available at present and no further development can take place
3	WP.No.16510/1990 Block III	No approval granted by this respondent	Residential houses and plots are available, no further development can take place
4	WP.No.8171/1986 Block IV (a) S.No. 181, 183/1, 184/1, 185, 185, 187, 189, 190, 191 and 192, Uppilipalayam Village, Coimbatore measuring 36.79 acres	Residential plot approval granted vide approval No.LP/DTCP/No.84/1993 measuring 4.6 acres	Except the land for which approval was granted the rest of the land are vacant and development can take place
5	WP.No.7423, 7424/1986 Block IV(b) S.No.205, 206, 207 &	(a) Residential apartment approval granted vide approval No.LP/DTCP No.	Approval was granted after verifying the no objection certificate issued by Special



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	208, Uppilipalayam Village, Coimbatore measuring 12.92 acres	256/2004 measuring 9472 sq.mtrs. approval granted vide approval No.24/2019.	Tahsildar (Land Acquisition).
6.	Block V	No approval granted by this respondent	Residential houses and plots are available, no further development can take place.

4. I state that as per the directions of this Hon'ble Court, this respondent has conducted survey and filing the present affidavit with regard to developments that had taken place in the present writ petitions.

Hence, it is therefore prayed that this Hon'ble Court may be pleased to accept the present status report and pass appropriate orders as this Hon'ble Court deems fit and thus render justice."

20. Along with the above report, the google map of Uppilipalayam Neighbourhood Scheme and certain photographs have also been annexed showing the various developments that have taken place both in Uppilipalayam and Sowripalayam Villages and the lands that are presently lying vacant.

21. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned orders.



WP.No.7423 of 1986
etc. cases

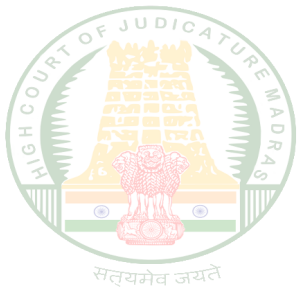
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22. The following issues arise for consideration in these writ petitions :

(1) Whether the non payment of costs that was imposed for impleading the legal heirs of the deceased petitioners 1 to 3 in W.P.No.8171 of 1986 has rendered the entire proceedings as abated and consequently, the original order that was passed in W.P.No.8171 of 1986 in the year 1991 gets revived ?

(2) Whether the specific direction that was issued by the First Bench at paragraph No.9 of the common judgment dated 12.1.2015 to examine as to whether the available lands can be utilized effectively to implement the original scheme has been satisfactorily explained by the TNHB ?

(3) Whether the TNHB, after having taken a specific stand before the Hon'ble Apex Court in ***S.L.P.(Civil) Nos.13927 & 13928 of 1996 dated 27.9.2001*** and also in the



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WP.No.7423 of 1986
etc. cases

communication dated 28.1.2003 stating that out of acres 455.08 cents, only an extent of 31.84 acres was taken over possession and utilized, that there was no land available to implement the integrated scheme and that the Government has not abandoned the scheme despite recommending for dropping the entire acquisition proceedings, can now turn around and take a stand that with the available lands, they will now go ahead with the housing scheme ?

(4) Whether the Government had released the lands selectively in an arbitrary manner and thereby such an action has vitiated the entire acquisition proceedings ?

(5) Whether the objections that were raised during the enquiry under Section 5A of the Old Act were properly considered or they were rejected in a mechanical fashion ? and

(6) Whether the acquisition proceedings



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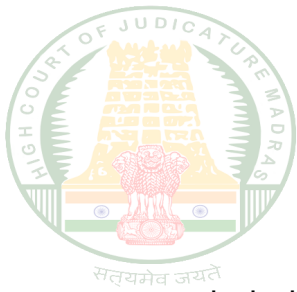
WP.No.7423 of 1986
etc. cases

itself has lapsed since no possession was taken
over and no compensation was tendered/
deposited to the land owners?

Issue No.(1) :

23. In so far as the first issue is concerned, the fact remains that the cost imposed by the First Bench was not properly tendered and that unnecessary confusion was created by attempting to pay the costs to the counsel, who was appearing on behalf of the petitioners in WP.No.8171 of 1986. However, this Court does not want to get hooked on such technicalities since there are other substantial grounds that can be considered instead of foreclosing this litigation on a technical ground.

24. This is more so since this litigation has been going on from the year 1986 and the parties must know where they stand at this length of time. ***In view of the same, the order passed by the First Bench impleading the legal heirs of the deceased petitioners 1 to 3 in W.P.No.8171 of 1986 is acted upon and they are brought on record now.*** Accordingly, the submissions made on



WP.No.7423 of 1986
etc. cases

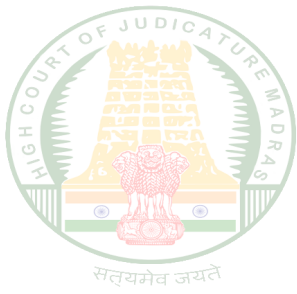
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behalf of the legal heirs by the respective learned Senior Counsel are taken into consideration for the purpose of dealing with the substantial issues that have been raised in these writ petitions. ***The first issue is answered accordingly.***

Issue No.(2)

25. The First Bench, while disposing of the writ appeals and remanding the matters back to the Writ Court, specifically took into consideration the fact that there are substantial subsequent developments, which had taken place in the course of time and therefore, a direction was given to the TNHB to administratively examine as to whether it is practicable to utilize the lands for the integrated township scheme, for which, the lands were originally acquired and a time frame was given to submit a report in this regard.

26. Even though no report was submitted within the time frame, this Court insisted the TNHB to submit a report during the course of hearing. This Court also insisted the Town and Country Planning Authority to submit a report in order to ascertain as to whether it is administratively practicable to continue with the acquisition



WP.No.7423 of 1986
etc. cases

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proceedings with respect to the available lands.

27. In so far as the Sowripalayam – Uppilipalayam Integrated Urban Development Scheme is concerned, it consisted of four phases. Each phase consisted of different blocks of lands. Phase I consisted of acres 27.24 cents of land in Uppilipalayam Village, which was acquired and fully utilized for the scheme. In Phase II consisting of acres 60.47 cents of land, acquisition proceedings were initiated for acres 32.05 cents and only an extent of acres 2.88 cents was taken over by the TNHB and it could not be utilized by the TNHB. Phase III consisted of acres 87.01 cents of wet lands and no acquisition took place for the entire extent of land.

28. In so far as Phase IV is concerned, it covered a total extent of acres 280.36 acres divided into 5 blocks. Block No.1 at Sowripalayam Village had an extent of acres 43.19 cents, out of which, an extent of acres 19.04 cents was sought to be utilized, but it was never utilized. In block No.2 at Sowripalayam Village, out of acres 46.99 cents, an extent of acres 12.03 cents was excluded from the acquisition proceedings. Subsequently, even the remaining extent of

39/53



WP.No.7423 of 1986
etc. cases

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lands was allowed to lapse. With respect to block No.3 at Sowripalayam Village measuring an extent of acres 69.75 cents, the entire stretch of lands was utilized for constructing hospitals, residential houses, commercial establishments, etc. and accordingly, the entire block No.3 at Sowripalayam Village remained unutilized. With respect to block No.4, which pertains to Uppilipalayam Village, a total extent of acres 61.82 cents was sought to be acquired whereas only an extent of acres 4.60 cents was taken over possession and the remaining extent continued to be in possession and enjoyment of the respective land owners. The last block namely block No.5 of Uppilipalayam Village covered acres 58.61 cents and the acquisition itself did not take place since it consisted of built up area and the layouts, which were granted approval by the Coimbatore Municipal Corporation.

29. Thus, out of the entire extent of acres 280.36 cents, from block Nos.1 to 5 in Phase IV, the only extent of acres 32.22 cents was handed over to the TNHB, out of which, only an extent of acres 4.60 cents was utilized and the remaining extent of acres 27.62 cents has not been utilized. Further, the extent of acres 140.39 cents out of

40/53



WP.No.7423 of 1986
etc. cases

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acres 280.36 cents is not available for implementation of the scheme.

30. The above was the status that was given by the Special Tahsildar, Mettupalayam while filing the common counter affidavit in the writ appeals during their pendency before the First Bench of this Court. In the said counter affidavit, it was even stated that the Government has not abandoned the scheme though sufficient lands were not available to implement the scheme. It was under these circumstances the First Bench of this Court had directed the TNHB to take a practicable view as to whether they wanted to continue with the acquisition proceedings.

31. The report that was submitted before this Court and which has been extracted supra would show that in so far as Sowripalayam Village is concerned, an extent of acres 12.20 cents is available. In so far as Uppilipalayam Village is concerned, an extent of acres 36.79 cents is available. In so far as W.P.Nos.7423 and 7424 of 1986, which pertain to Uppilipalayam Village, are concerned, a small portion is available on the southern side and the balance portion is developed after getting proper sanction.



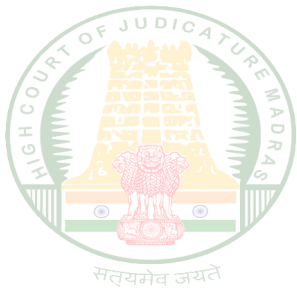
WP.No.7423 of 1986
etc. cases

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32. It is also relevant to take note of the status report filed by the Joint Director of Town and Country Planning, Coimbatore. The relevant portions have been extracted supra.

33. In so far as Sowripalayam Village is concerned, it is stated that if at all any development is possible, it can be done only in block No.1 covering acres 12.20 cents. The entire stretch of other lands are all developed and there is no scope for the TNHB for undertaking any such development. With respect to Uppilipalayam Village, out of acres 36.79 cents, approval was granted to the residential plots for an extent of acres 4.60 cents and only the balance portion is available if at all any development is undertaken by the TNHB.

34. Similarly, with respect to the lands covered under W.P.Nos. 7423 & 7424 of 1986, which also fell within block No.4, approvals have been granted for residential apartments after the no objection certificate was issued by the Special Tahsildar and in so far as this portion of the land is concerned, there is no scope for any further development by the TNHB. Similarly, for block No.5, it is made clear that the residential houses and plots are available and there is no



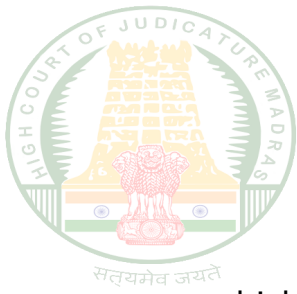
WP.No.7423 of 1986
etc. cases

scope for any further development by the TNHB.

35. The TNHB, after being aware of the above developments, is now coming up with a new idea of housing scheme in the available lands instead of proceeding with the integrated scheme, which was the original objective of the land acquisition proceedings.

36. The integrated township means a self sustained township planned and developed containing work place, places of residence along with all attendant and infrastructure facilities like hospitals, schools and other educational institutions. Considering the large extent of lands that were originally planned to be acquired for the Sowripalayam/Uppilipalayam Integrated Urban Development Scheme, the object of the scheme was to have all these components of an integrated township whereas over a period of time, the entire topography of the place has completely changed due to various developments that had taken place and what are available today are some vacant lands at Uppilipalayam and Sowripalayam Villages to an extent of nearly acres 36.79 cents and acres 12.20 cents respectively. In view of the same, the TNHB is talking about a housing scheme,

43/53



WP.No.7423 of 1986
etc. cases

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which was not the original intent of the land acquisition proceedings.

37. In the light of the above discussions, this Court holds that the TNHB has not satisfactorily explained about the practical feasibility of proceeding further with the acquisition proceedings with the available extent of lands. ***The second issue is answered accordingly.***

Issue No.(3) :

38. In so far as the third issue is concerned, the above discussions, while dealing with the second issue, also substantially answer the third issue. The TNHB itself, at one stage, took a stand that there was no land available to implement the integrated scheme. However, it continued with the acquisition proceedings since the Government did not abandon the project. In fact, a communication was exchanged recommending for dropping the entire acquisition proceedings in view of the subsequent developments that took place and the funds allotted to the project were lying as a dead capital.



WP.No.7423 of 1986
etc. cases

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39. The original object of the acquisition proceedings has already been lost and it has become unworkable for the TNHB to satisfy the original object, for which, the acquisition proceedings were initiated. Therefore, the TNHB cannot be now allowed to change the whole object of acquisition and utilize the remaining lands for a housing scheme. No such permission has been granted by the State Government in this regard and the TNHB cannot independently take such a decision.

40. In order to appreciate the above findings, the following tabular column containing the details of the extent of lands that were acquired and what are now available is necessary :

<i>Sowripalayam Uppilipalayam IUDP Scheme</i>	<i>Total area approved by TNHB</i>	<i>4(1) Lapsed fresh proceeds yet to initiate by TNHB (in acres)</i>	<i>Acquisition proceedings dropped due to private buildings (in acres)</i>	<i>Stay granted by High Court (in acres)</i>	<i>Possession taken but lands un- utilized (in acres)</i>	<i>Possession taken but lands utilized (in acres)</i>
<i>Phase I</i>	<i>27.24</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>27.24</i>
<i>Phase II</i>	<i>60.47</i>	<i>28.42</i>	<i>-</i>	<i>29.17</i>	<i>2.88</i>	<i>-</i>
<i>Phase III</i>	<i>87.01</i>	<i>-</i>	<i>87.01</i>	<i>-</i>	<i>-</i>	<i>-</i>
<i>Phase IV -</i>						
<i>Block 1</i>	<i>43.19</i>	<i>3.62</i>	<i>-</i>	<i>39.57</i>	<i>-</i>	<i>-</i>
<i>Block 2</i>	<i>46.99</i>	<i>20.57</i>	<i>26.42</i>	<i>-</i>	<i>-</i>	<i>-</i>
<i>Block 3</i>	<i>69.85</i>	<i>-</i>	<i>69.85</i>	<i>-</i>	<i>-</i>	<i>-</i>
<i>Block 4</i>	<i>61.82</i>	<i>-</i>	<i>-</i>	<i>57.22</i>	<i>-</i>	<i>4.60</i>
<i>Block 5</i>	<i>58.61</i>	<i>-</i>	<i>58.61</i>	<i>-</i>	<i>-</i>	<i>-</i>
<i>Total</i>	<i>455.18</i>	<i>52.61</i>	<i>241.89</i>	<i>125.96</i>	<i>2.88</i>	<i>31.84</i>



WP.No.7423 of 1986
etc. cases

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41. It is true that the lands that are acquired for a public purpose can be utilized for a different purpose. However, the Court must always keep in mind the main objective behind the acquisition proceedings and in the case in hand, the objective no more subsists due to various subsequent developments. Small portions of lands that are available cannot be permitted to be utilized for a completely different purpose, which will defeat the object of the very acquisition proceedings itself. ***The third issue is answered accordingly.***

Issue No.(4) :

42. The fourth issue pertains to the arbitrary manner, in which, the various extents of lands were released over a period of time by the Government. It is quite evident from the records that a large extent of lands was released for one reason or the other and thereby, out of the original extent of acres 280.36 cents, what is sought to be utilized is only an extent of acres 36.79 cents in Uppilipalayam Village and an extent of acres 12.20 cents in Sowripalayam Village. In fact, one of the adjacent lands, for which, W.P.No.16511 of 1990 was filed, came to be released and as a result, W.P.No.16511 of 1990 itself was closed by order dated 27.1.2025.



WP.No.7423 of 1986
etc. cases

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43. Thus, the lands have been selectively released from the acquisition proceedings and it brings in arbitrariness on the part of the TNHB in retaining certain lands alone and attempting to implement the housing scheme in respect of the retained lands. The various land owners, whose lands were acquired, stand on the same footing and if the lands belonging to some of the land owners were released and for some others, the lands are retained, obviously there is a discrimination among the equals without there being a reasonable classification. This obviously brings in the element of arbitrariness where the discretion has been exercised according to the whims of the Authorities. This attitude has been repeatedly deprecated by both the Hon'ble Apex Court as well as this Court on various occasions. Thus, the retention of the lands belonging to the petitioners alone for coming up with a housing scheme suffers from patent arbitrariness, which is violative of Article 14 of The Constitution of India. ***The fourth issue is answered accordingly.***

Issue Nos.(5) & (6) :

44. It is not necessary for this Court to go into the other two issues in the light of the findings rendered for issue Nos.2



WP.No.7423 of 1986
etc. cases

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to 4. Issue Nos.(5) and (6) are answered accordingly.

45. The entire confusion had taken place only due to the attitude on the part of the TNHB. The above writ petitions came to be allowed by order of this Court in the year 1991 and the acquisition proceedings were quashed. The Government did not choose to file any appeal and it is only the TNHB, which had chosen to file the writ appeals after a substantial delay in the year 1994/1995. During the interregnum period, third party interests came into existence like respondents 3 to 6 in W.P.No.16510 of 1990.

46. That apart, there was no occasion to take over possession of the properties right through. As a result, there was absolutely no progress. It was under those circumstances, the First Bench of this Court thought it fit to direct the TNHB to first take a decision on the feasibility to proceed with the acquisition proceedings. This Court has already held supra that the original object has been lost and that there is no practicable feasibility to proceed further with the acquisition proceedings towards the integrated scheme.



WP.No.7423 of 1986
etc. cases

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47. Even in so far as the payment of compensation is concerned, a huge controversy has arisen as to who has actually withdrawn the compensation amount from the Court. A specific stand has been taken by the parties by filing sworn affidavits to the effect that there was an unholy alliance between the advocates, who had knocked off the entire compensation amount without the concurrence of the parties. The report that was received from the First Additional Sub- Court, Coimbatore also states that none of the relevant original records was available and that they are missing.

48. In view of the same, during the pendency of these writ petitions, this Court acted upon the affidavits filed by one Mr.R.Santhana Gopal along with the relevant documents and also the sworn affidavit filed by one Ms.Aarthi Anand - P4 in W.P.No.16510 of 1990, had also taken into consideration the report received from the First Additional Sub-Court, Coimbatore and initiated a separate inquiry against two advocates namely Mr.Govindaraju and Mr.P.Shanmugam. A total sum of nearly Rs.8 Crores has been withdrawn from the Court without the concurrence of the clients. Notices were sent to both the advocates and a separate inquiry is under progress.

49/53



WP.No.7423 of 1986
etc. cases

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49. Thus, neither the possession has been taken over effectively nor the compensation amount has been tendered effectively and this also becomes a ground so as not to permit the acquisition proceedings to continue any further.

50. In the upshot of the above discussions, ***the acquisition proceedings stands quashed and these writ petitions are allowed as prayed for.*** No costs.

51. The compensation amount has been deposited by the State. In view of the acquisition proceedings being quashed by this Court in this common order, it has to go back to the Government. The question that remains is as to who will repay back the amount to the Government. The petitioners are taking a very specific stand that they have not withdrawn the compensation nor had authorized any advocate to appear for them and withdraw the compensation amount. It is very clear from the records that the two advocates had withdrawn the amount purportedly on behalf of their clients. The inquiry is pending in this regard. Depending upon the final result in the inquiry, directions will be issued to repay back the compensation to the State.

50/53



WP.No.7423 of 1986
etc. cases

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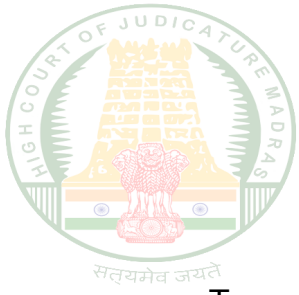
52. With respect to the alleged misconduct that has been committed in the withdrawal of the compensation amount for more than Rs.8 Crores, a separate inquiry is being conducted and if, prima facie, the materials satisfy this Court and the explanation given by the concerned two advocates are not found to be satisfactory, this Court will independently pass orders directing the Bar Council of Tamil Nadu and Puducherry to initiate disciplinary proceedings against them. Apart from that, this Court will also direct initiation of such necessary proceedings against the concerned two advocates.

53. For passing further orders with respect to the inquiry pending against the two advocates, post on **28.4.2025 at 2.15 PM.**

03.04.2025

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Carry out necessary amendments
before issuing the certified copies

Index : Yes
Neutral Citation : Yes



WP.No.7423 of 1986
etc. cases

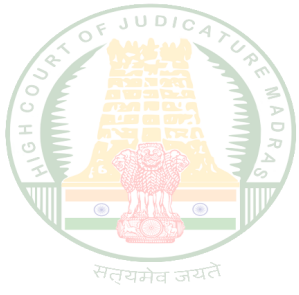
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To

- 1.The State of Tamil Nadu rep.
by its Commissioner & Secretary
to Government, Housing and Urban
Development Department,
Fort St.George, Madras-9.
- 2.The Special Tahsildar (Land
Acquisition), Housing Scheme II,
Collectorate, Coimbatore-18.
- 3.The Tamilnadu Housing Board
rep.by its Administrative Officer,
Coimbatore Housing Unit, Coimbatore.
- 4.The Joint Director of Town
& Country Planning Office,
I & II Floor, No.50, FCI Road,
Gandhimaanagar, Ganapathy,
Coimbatore-641004.

RS

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WP.No.7423 of 1986
etc. cases

N.ANAND VENKATESH,J

RS

P.D.Common Order in
WP.No.7423 of 1986
etc. cases

03.04.2025