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W.A. No.1016 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

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1.The Government of Tamil Nadu rep. By its
Joint Secretary to Government and
Special Officer (Land Acquisition),
Public Works Department,
Fort St. George, Chennai – 600 009.

2.The District Collector,
Tiruvallur District, Tiruvallur.

3.The Land Acquisition Officer and
Special Officer (LA),
Chennai City Waterways Scheme,
Ambattur, Chennai – 600 053.

4.The Tahsildar,
Madhavaram Taluk Office,
Red Hills Road, Madhavaram,
Chennai – 600 060.

... Appellants

Vs.

M/s.Metal Forms Private Limited
rep. By its Director Arjun Parthasarathy
459, GNT Road,
Thandal Hazhani Village,
Vadakari Post, Chennai – 600 052.

... Respondent



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Writ Appeal filed under Clause 15 of Letters Patent against the order dated 06.04.2016 made in W.P. No.25618 of 2015.

For Appellants : Mr.M.Suresh Kumar,
Additional Advocate General
assisted by
Mr.Vadivelu Deenadayalan,
Additional Government Pleader

For Respondent : Mr.T.P.Manoharan,
Senior Counsel
for Mr.T.M.Naveen

JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

In pursuance of the orders of the Hon'ble Supreme Court of India remitting the matter back for fresh consideration, the present intra-court appeal instituted under Clause 15 of Letters Patent has been taken up for hearing.

2. State preferred the present appeal against the writ order dated 06.04.2016 passed in W.P. No.25618 of 2015. The respondent filed a writ petition seeking a direction to restore possession a portion of an industry land bearing S.F.No.25/2B measuring 0.14.0 HAC, S.F.No.21B measuring 0.29.0 HAC, S.F. No.21/A2 measuring 0.18.5 HAC, totally 0.61.5 HAC (1.52 acres) situate in Thandal Kazhani Village, Ambattur Taluk, Chennai – 600 052 in its original position and to delete the entry of 'Government land' made in revenue



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records. Further relief is to pay a sum of Rs.1,31,328/- towards damages.

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3. Writ petition came to be allowed and the State preferred present writ appeal. Since the writ appeal was dismissed by the Division Bench, State filed Civil Appeal No.2205 of 2024. The Supreme Court disposed of the civil appeal on 12.02.2024 and the relevant portion of the order reads as under:

'3. Having heard the learned senior counsel for the appellants and the learned counsel for the sole respondent at length and carefully perusing the material placed on record, it appears that the High Court had quashed the land acquisition proceedings placing reliance on the decision in the case of "Sree Balaji Nagar Residential Association vs. State of Tamil Nadu & Ors." However, it is not disputed by the learned counsels for the parties that in view of later decision in the case of "Indore Development Authority vs. Manoharlal And Ors. Etc." reported in (2020) 8 SCC (129), the matter is required to be remitted to the High Court for fresh consideration in the light of the said decision along with other issues involved in the matter.'

4. In view of the findings made by the Apex Court, learned Additional Advocate General appearing on behalf of the State would contend that pursuant to the legal position settled by the Constitution Bench in the case of **Indore Development Authority vs. Manoharlal And Ors. Etc. reported in (2020) 8 SCC 129**, possession had already been taken by the competent



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authorities after passing an award and compensation amount was deposited in the Court account. Thus the acquisition became final and valid and the present writ appeal is to be allowed.

5. Learned senior counsel appearing on behalf of the respondent would strenuously oppose by stating that the issues were initially considered by the Division Bench of this Court based on the judgment of the Apex Court in **Sree Balaji Nagar Residential Association Vs. State of Tamil Nadu and Others** reported in **(2015) 3 SCC 353**. The present case was decided along with **Sree Balaji Nagar Residential Association** case. Therefore, the said order is binding on the appellants and consequently the present writ appeal deserves to be dismissed.

6. Learned senior counsel for the respondent relied on few judgments to establish that the judgment in **Sree Balaji Nagar Residential Association** case is binding on the State and now they cannot turn around and plead that their writ appeal is to be considered based on the **Indore Development Authority** case (cited supra). That apart, twin conditions contemplated under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) were neither pleaded nor complied with.

7. Facts in nutshell shows that notification under Section 4(1) of the



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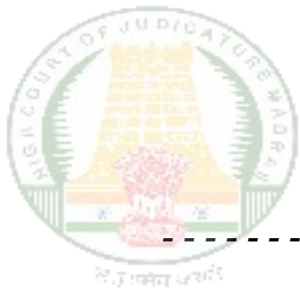
Land Acquisition Act, 1894 for improvement of Chennai City waterways was issued on 21.06.2002. The draft notification under Section 4(1) was approved in G.O.Ms.No.143 Public Works (R1) Department dated 04.04.2003. Hearing of objections/enquiry was dispensed with. Notification under Section 6 of the Land Acquisition Act, 1894 was issued on 09.04.2003. Further notice under Section 9(1) of the Act was issued to the land owners including the respondent herein. Subsequent notice under Section 9(3) was issued on 11.03.2004. The respondent submitted their objections on 08.04.2004 and award came to be passed under Section 11 of the Act 1894 on 28.04.2004.

8. Pertinently, land delivery receipt in favour of Water Resources Department was given on 28.04.2004. The said receipt has been enclosed at page No.67 of the typed set of papers filed along with writ appeal by the State. The land delivery receipt is extracted hereunder:

LAND DELIVERY RECEIPT

Name of the Village : 36, thandalkalani
Name of the Taluk : Ambathur
Name of the District : Tiruvallur
Award No. 1/2004 *Date* : 28.4.2004

<i>Sl. No.</i>	<i>Survey Number</i>	<i>Extent Hec. Are</i>	<i>Boundaries of the Land</i>				<i>Structure, Trees, etc if any (with details)</i>
			<i>North</i>	<i>East</i>	<i>South</i>	<i>West</i>	



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1.	21/A2	0.18.5	76	12	20	21A	Date tree -2 kattuvegai – 3 Round well with Compound Wall
2.	21B	0.29.0	25	12 26	76	23A	
3.	25/2B	0.14.0	24 25/2AA	26	21B	23A	Wire mesh fencing through cement pillars

I, Assistant Grade Revenue Inspector, Office of the Special Tahsildar (LA), Chennai City Water Ways Scheme, Ambatur, Chennai – 600 053 in the absence of the awardee took symbolic possession of the above mentioned property in the presence of the Village Administrative Officer, Thandalkalani as per the instructions of the Land Acquisition Officer in Rc.21/2000 A dt. 17.5.2004.

In my presence

Witness: 1.Sd/-
2.Sd/-

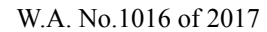
HANDED OVER POSSESSION
(Land Owner)

TAKEN OVER POSSESSION
(Assistant Grade Revenue Inspector)

HANDED OVER POSSESSION
(Assistant Grade Revenue Inspector)

TAKEN OVER POSSESSION
(Requisitioning Body)

9. On 26.02.2007, the Court deposit of Rs.3,51,662/- was made before Sub Court, Ponneri in the matter of M/s.Metal Forms Private Limited. The letter addressed by the Special Tahsildar (Land Acquisition) to the Subordinate Judge, Sub Court, Ponneri dated 26.02.2007 is enclosed at page No.71 of the



*From
Thiru.K.Manavalan,
Special Tahsildar (LA),
Chennai City Water Ways Scheme,
Ambattur, Chennai – 600 053.*

To
The Sub-Judge,
Sub-Court, Ponneri

Dated:26.2.2007

Sub: LAND ACQUISITION – Ambattur Taluk Tiruvallur District-36, Thadalkalani Village S.Nos.21/A2, 21B,25/2B – total extent of 0.61.5 Hectares of land compensation amount ordered to be kept in CCD U/s.30 and 31(2) of L.A. Act - Treasury Cheque and “D” form receipt sent – Regarding.

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property of M/s.Metal Forms (P) Ltd., Hence it was ordered that the entire compensation amount to be kept in the Civil Court Deposit under section 30 and 31(2) of the Land Acquisition Act and the matter is now referred to the Sub-Court, Ponneri for decision.

2) I send herewith a Treasury Cheque bearing No.A096324 dated 9-2-2007 for Rs.3,52,215/- (Rupees Three Lakh Fifty Two Thousand Two Hundred and Fifteen only) drawn in favour of Sub Ordinate Judge, Ponneri being the compensation amount payable for the acquired land, I request that the case may be taken on the file of the court and disposed off according to the law.

The following records are enclosed.

- 1.Copy of the Award No.1/2004 dt:28-4-2004
- 2.Treasury Cheque bearing No.A096324 dated 9.2.07 for Rs.3,52,215/- issued by the Sub Treasury, Ambattur.
- 3.Form of reference U/s.30 and 31(2) of the L.A. Act-I of 1894 in triplicate.
- 4.Schedule under section 19(2) triplicate in Form No.16.
- 5."D" Form in triplicate.
- 6.Form of Notice (6 copies for 1 Awardee).

I request that "D" Form receipt may kindly be issued early.

Yours faithfully,

Sd/-

Land Acquisition Officer and
Special Tahsildar (L.A.)
Chennai City Water Ways Scheme
Ambattur, Chennai – 600 053.'

10. In view of the above documents, this Court is of the considered view that the respondent is not entitled to claim the acquisition proceedings became lapsed under Section 24(2) of Right to Fair Compensation and



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Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

(30 of 2013). In the present case, fresh hearing has been undertaken pursuant to the directives of the Apex Court in Civil Appeal No.2205 of 2024 dated 12.02.2024. A perusal of the order shows that there was no objection from either side and accordingly the Apex Court directed the High Court to consider the issues afresh based on the decision in the case of **Indore Development Authority** cited supra. Thus this Court is bound by the said directives and on examination, it is found that the land acquisition proceeding was completed in all respects in the year 2004. The land delivery receipt and court deposit orders have been produced before this Court to establish that the possession had been taken over by the Government and the compensation amount was deposited in Court deposit.

11. In respect of the ground raised on *res judicata* in **Sree Balaji Nagar Residential Association vs. State of Tamil Nadu & Ors.** (cited supra), the issues had been raised in the context of G.O.No.122 dated 14.07.1998. However, in the present case, Notification under Section 4(1) was approved in G.O.Ms.No.143 Public Works (R1) Department dated 04.04.2003, which was not adjudicated by the Apex Court in the said case. That apart, the plea of *res judicata* was not raised before the Apex Court.

12. Pertinently, in **Indore Development Authority** case in concluding



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paragraph No.362, the decision in **Sree Balaji Nagar Residential Association vs. State of Tamil Nadu & Ors.** (cited supra) has been overruled. Thus the arguments made on behalf of the respondent deserves no merit consideration. Since the appellant/State is able to establish that possession had been taken over and the compensation has been deposited in court deposit, the respondent is not entitled for any relief. Consequently the order passed by the writ Court in W.P.No.25618 of 2015 dated 06.04.2016 is set aside and the writ appeal stands allowed. There shall be no order as to costs.

[S.M.S, J.] [M.S.Q, J.]
17.10.2025

Index:Yes/No
Neutral Citation:Yes/No
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**S.M.SUBRAMANIAM, J.
AND
MOHAMMED SHAFFIQ, J.**

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