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W.A.Nos.854 of 2015, etc., and Batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**

AND

THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

**W.A.Nos.854, 1549, 1550 & 1645 of 2015,
and 1529 & 1530 of 2018**

and

M.P. No.1 of 2015 and C.M.P. Nos.14300 & 14302 of 2021

W.A.No.854 of 2015

The Chennai Metro Rail Limited
rep. By District Revenue Officer and
Project Implementation Officer,
No.11/6, Seethammal Road,
Alwarpet, Chennai – 600 018.

... Appellant

Vs.

1.B.M.Purnachandran

2.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.

3.The Tamil Nadu Housing Board
rep. By its Managing Director,
Nandanam, Chennai – 600 035.

4.The Special Tahsildar
(Land Acquisition III),
Tamil Nadu Housing Board Scheme,
Nandanam, Chennai – 600 035.



W.A.Nos.854 of 2015, etc., and Batch

5.The Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

6.M.Nithiyanandam

... Respondents

(R6 impleaded vide order dated 11.11.2025
in C.M.P. No.131 of 2022 in W.A.No.854 of 2015)

W.A.No.1549 of 2015

M.Poornachandran

... Appellant

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.

2.The Tamil Nadu Housing Board
rep. By its Managing Director,
Nandanam, Chennai – 600 035.

... Respondents

W.A.No.1550 of 2015

B.M.Purnachandran

... Appellant

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.

2.The Tamil Nadu Housing Board
rep. By its Managing Director,
Nandanam, Chennai – 600 035.



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3.The Special Tahsildar
(Land Acquisition III),
Tamil Nadu Housing Board Scheme,
Nandanam, Chennai – 600 035.

4.The Chennai Metro Rail Limited
rep. By District Revenue Officer and
Project Implementation Officer,
No.11/6, Seethammal Road,
Alwarpet, Chennai – 600 018.

5.The Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

... Respondents

W.A.No.1645 of 2015

The Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

... Appellant

Vs.

1.B.M.Poornachandran

2.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.

3.The Tamil Nadu Housing Board
rep. By its Managing Director,
Nandanam, Chennai – 600 035.

4.The Special Tahsildar
(Land Acquisition III),
Tamil Nadu Housing Board Scheme,
Nandanam, Chennai – 600 035.



W.A.Nos.854 of 2015, etc., and Batch

5.The Chennai Metro Rail Limited
rep. By District Revenue Officer and
Project Implementation Officer,
No.11/6, Seethammal Road,
Alwarpet, Chennai – 600 018.

Present Address:

CMRL Depot, Admin Building,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.

6.M.Nithiyanandam

... Respondents

(R6 impleaded vide order dated 11.11.2025
in C.M.P. No.137 of 2022 in W.A.No.1645 of 2015)

W.A.No.1529 of 2018

B.M.Purnachandran

... Appellant

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.

2.The Tamil Nadu Housing Board
rep. By its Managing Director,
Nandanam, Chennai – 600 035.

3.The Special Tahsildar
(Land Acquisition III),
Tamil Nadu Housing Board Scheme,
Nandanam, Chennai – 600 035.



W.A.Nos.854 of 2015, etc., and Batch

4.The Chennai Metro Rail Limited
rep. By District Revenue Officer and
Project Implementation Officer,
No.11/6, Seethammal Road,
Alwarpet, Chennai – 600 018.

... Respondents

W.A.No.1530 of 2018

B.M.Purnachandran

... Appellant

Vs.

1.The Secretary to Government
(Special Initiatives),
Planning, Development & Special
Initiatives Department,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

2.The Chennai Metro Rail Limited
rep. By District Revenue Officer and
Project Implementation Officer,
D.No.11/6, Seethammal Road,
Alwarpet, Chennai – 600 018.

3.The Tamil Nadu Housing Board
rep. By its Managing Director,
Nandanam, Chennai – 600 035.

... Respondents

Prayer in W.A.No.845 of 2015: Writ Appeal filed under Clause 15
of Letters Patent against the order dated 09.01.2015 in W.P. No.26856 of
2010.

Prayer in W.A.No.1549 of 2015: Writ Appeal filed under Clause 15
of Letters Patent against the order dated 09.01.2015 in W.P. No.19724 of
2005.



W.A.Nos.854 of 2015, etc., and Batch

Prayer in W.A.No.1550 of 2015: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 09.01.2015 in W.P. No.26856 of 2010.

Prayer in W.A.No.1645 of 2015: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 09.01.2015 in W.P. No.26856 of 2010.

Prayer in W.A.No.1529 of 2018: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 24.01.2011 in W.P. No.17867 of 2010.

Prayer in W.A.No.1530 of 2018: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 24.01.2011 in W.P. No.20769 of 2010.

W.A.No.854 of 2015

For Appellant : Mr.P.Wilson,
Senior Counsel
assisted by Mr.A.Edwin Prabakar,
Government Pleader

For Respondents : Mr.V.Raghavachari,
Senior Counsel
for Mr.V.Jayachandran for R1
Mr.P.Kumaresan,
Additional Advocate General
assisted by
Mr.A.Selvendran,
Special Government Pleader for R2
and Dr.N.Moorthi for R3 and R4
Ms.P.Veena Suresh for R5
Mr.R.Bala Ramesh
for Mr.A.Arumugam for R6



W.A.Nos.854 of 2015, etc., and Batch

W.A.No.1549 of 2015

For Appellant : Mr.V.Raghavachari,
Senior Counsel
for Mr.V.Jayachandran

For Respondents : Mr.P.Kumaresan,
Additional Advocate General
assisted by
Mr.A.Selvendran,
Special Government Pleader for R1
and Dr.N.Moorthi for R2

W.A.No.1550 of 2015

For Appellant : Mr.V.Raghavachari,
Senior Counsel
for Mr.V.Jayachandran

For Respondents : Mr.P.Kumaresan,
Additional Advocate General
assisted by
Mr.A.Selvendran,
Special Government Pleader for R1
and Dr.N.Moorthi for R2 and R3
Mr.P.Wilson,
Senior Counsel
assisted by Mr.A.Edwin Prabakar,
Government Pleader for R4
Ms.P.Veena Suresh,
Standing Counsel for R5

W.A.No.1645 of 2015

For Appellant : Ms.P.Veena Suresh,
Standing Counsel

For Respondents : Mr.V.Raghavachari,
Senior Counsel



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W.A.Nos.854 of 2015, etc., and Batch

for Mr.V.Jayachandran for R1
Mr.P.Kumaresan,
Additional Advocate General
assisted by
Mr.A.Selvendran,
Special Government Pleader for R2
and Dr.N.Moorthi for R3 and R4
Mr.A.Edwin Prabakar,
Government Pleader for R5
Mr.R.Bala Ramesh
for Mr.A.Arumugam for R6

W.A.No.1529 of 2018

For Appellant	: Mr.V.Raghavachari, Senior Counsel for Mr.V.Jayachandran
For Respondents	: Mr.P.Kumaresan, Additional Advocate General assisted by Mr.A.Selvendran, Special Government Pleader for R1 and Dr.N.Moorthi for R2 and R3 Mr.P.Wilson, Senior Counsel assisted by Mr.A.Edwin Prabakar, Government Pleader for R4

W.A.No.1530 of 2018

For Appellant	: Mr.V.Raghavachari, Senior Counsel for Mr.V.Jayachandran
For Respondents	: Mr.P.Kumaresan, Additional Advocate General assisted by Mr.A.Selvendran, Special Government Pleader for R1 and Dr.N.Moorthi for R3



W.A.Nos.854 of 2015, etc., and Batch

Mr.P.Wilson,
Senior Counsel
assisted by Mr.A.Edwin Prabakar,
Government Pleader for R2

COMMON JUDGMENT

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

Present batch of Intra-Court Appeals have been instituted challenging writ orders dated 09.01.2015 in W.P.No.26856 of 2010 and W.P.No.19724 of 2005 and writ orders dated 24.01.2011 in W.P.No.17867 of 2010 and W.P.No.20769 of 2010.

2. Writ appeals have been instituted by State of Tamil Nadu, Chennai Metro Rail Limited, Chennai Metropolitan Development Authority and by an individual.

I. Reliefs Sought for in the Writ Proceedings and the Details of Connected Writ Appeals:

**(A) W.A.No.854 of 2015, W.A.No.1550 of 2015, W.A. No.1645 of 2015 –
Against W.P. No.26856 of 2010 – Prayer in Writ Petition**

3. Writ of Declaration or any other order or direction in the nature of writ, declaring that the land acquisition proceedings initiated by the respondents 2



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and 3 with respect to the lands comprised in Survey Nos.164/1, 165, 166/2, 167/1B, 167/2, 167/5, 167/6, 168/2 as notified in the Notification Supplement to Part II Section 2 of Tamil Nadu Government Gazette dated 01.10.1975 issue No.39(A) as published in as declared in Supplement to Part II Section 2 of Tamil Nadu Government Gazette issue 302 dated 29.09.1978 is invalid, null and void and will not be binding upon the petitioner, since no award amount was either paid or deposited in the past 28 years.

(B) W.A.No.1549 of 2015 – Against W.P.No.19724 of 2005 – Prayer in Writ Petition

4. To issue a writ of mandamus or any other appropriate writ or order or direction in the nature of writ directing the respondents herein to reconvey the petitioners' land admeasuring 19.10 acres comprised in S.Nos.164/1, 165, 166/2, 167/1B, 167/2, 167/5, 167/6, 168/2 in Koyambedu Village, now within the Chennai City limits, Chennai District as per the representation dated 23.06.1999 and 14.11.2002 in accordance with law.

(C) W.A. No.1529 of 2018 – Against W.P.No.17867 of 2010 – Prayer in Writ Petition

5. To issue a writ of mandamus or any other order or direction in the nature of writ, directing the respondents1 to 4 herein to handover the land measuring 1.50 acres to the petitioner with specific boundaries in S.No.167/9



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(subdivided from S.No.167/1B) as directed by the Hon'ble Supreme Court in Civil Appeal No.1867 of 1992 decided on 17.01.1996 (reported in 1996(7) page 450).

(D) W.A.No.1530 of 2018 – Against W.P.No.20769 of 2010 – Prayer in Writ Petition

6. To issue a writ of certiorarified mandamus or order or direction in the nature of writ, calling for the records in the acquisition proceedings issued by the 1st respondent under G.O.Ms.No.108 Planning, Development and Special Initiatives (SI) on 28.07.2010 as per the proceedings No.(II)/PDSI/486(D)/2010, published in the Tamil Nadu Government Gazette Extraordinary dated 28.07.2010 and quash the same as malafide, abuse of the process of law and therefore null and void and directing the respondents to first assess the value of the above schedule mentioned properties and to pay the just compensation at the market rate to the petitioner and then proceed with the acquisition activities.

II. Facts in Brief:

7. On 29.08.1975, Section 4(1) Notification was approved vide G.O.Rt.No.221, Housing Department for Implementation of New Neighbourhood Scheme, K.K.Nagar Part II Scheme for an extent of 218.30 acres. Subject lands involved in the writ appeals, comprised in Survey



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Nos.164/1, 165, 166/2, 167/1B, 167/2, 167/5, 167/6 and 168 of an extent of 20.60 acres in Koyambedu Village, were included in the acquisition proceedings. An inquiry under Section 5A of Tamil Nadu Land Acquisition Act was conducted.

8. It was stated that the subject lands originally belonged to one Ms.Chellammal, and she had executed a 'Will' and died thereafter in 1973. On 20.01.1978, Government of Tamil Nadu issued an order vide G.O.No.125, Housing Department dated 20.01.1978 for locating peripheral outstation bus terminus by Pallavan Transport Corporation and a wholesale market complex in Koyambedu. Draft declaration under Section 6 was approved by the Government in G.O.Ms.No.1381, Housing and Urban Development Department dated 28.09.1978. Public announcement was made on 28.11.1978 through 'tom tom' for an award inquiry to be conducted on 09.12.1978. Ms.Chellammal and Mr.M.Nithyanandam, claiming to be owners of lands, had not appeared for award inquiry. However, an objection letter was received from mortgagor M/s.Ashok Corporation, represented by one Mr.Fathechand on 06.01.1979.

9. Once again notice was issued to Ms.Chellammal and Mr.Nithyanandam on 19.02.1979 to appear for an award inquiry scheduled to be held on 05.03.1979. Another letter was received from Superintending



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Engineer, Chengalpet, stating that a civil suit in O.S.No.177 of 1972 was filed on the file of Sub Court, Chengalpet, against HT supply to M/s.Rajeswari Sugar Mills, Modirambedu, for recovery of arrears and suit was decreed in favour of Electricity Board on 30.11.1974. Defendants in the suit were Mr.B.C.Munirathna Naidu and Mr.Nithyanandam. The amount to the tune of Rs.26,45,000/- was paid by Chennai Metropolitan Development Authority to Land Acquisition Officer through cheque bearing No.78/TV/C912826 dated 30.03.1979 for awarding compensation to land owners in respect of subject lands acquired. Mr.Nithyanandam, on receipt of notice informed that he is an army personnel and could not appear for award inquiry and further made a request to the authorities to inform the decision and disposal of acquisition proceedings. Mr.Fathechand sent a notice to Land Acquisition Officer on 18.04.1979 not to disburse compensation amount to land owners.

10. On 29.01.1983, award was passed by Land Acquisition Officer in Award No.1 of 1983 dated 29.01.1983 for subject lands in Survey Nos.164/1 (1.18 acres) and 165 (1.41 acres), totally 2.59 acres in Koyambedu Village. Second award was passed by Land Acquisition Officer on 28.02.1983 in Award No.2 of 1983 dated 28.02.1983 for subject lands in Survey Nos.166/2 (7.14 acres), 167/1B (7.81 acres), 167/2 (0.08 acres), 167/5 (0.15 acres), 167/6 (0.08 acres) and 168/2 (2.75 acres), totally 18.01 acres in Koyambedu Village. Subject lands in Survey Nos.164/1 and 165 of an extent of 2.59 acres



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as per Award No.1 of 1983 dated 29.01.1983, were handed over to Chennai Metropolitan Development Authority by Land Acquisition Officer on 06.04.1983, compensation amount of Rs.21,372.75/- for subject lands was deposited through DD No.A/8/94020 dated 17.03.1983 on the file of the Principal Subordinate Judge, Chengalpet under Sections 30 and 31(2) of Land Acquisition Act, 1894. So also, in respect of Award No.2 of 1983, compensation amount was deposited.

11. Mr.Nithyanandam, along with his brother filed W.P.No.6169 of 1983 challenging land acquisition proceedings and the writ petition was allowed on 22.04.1991. Civil Appeal No.1867 of 1992 was filed before Hon'ble Supreme Court of India by State of Tamil Nadu and said appeal was allowed by Apex Court on 17.01.1996. Land acquisition proceedings were upheld by Hon'ble Supreme Court of India. However, Apex Court directed to handover the land in Survey No.167/1B, for an extent of 1.50 acres to Mr.Nithyanandam and his brother, enabling family members to utilise a portion of the land for their respective residential purposes. Therefore, Government issued withdrawal notification for land in Survey No.167/1B, for an extent of 1.50 acres, vide Government Letter dated 16.07.1996.

12. Subsequently, W.P.No.19724 of 2005 was filed with a prayer to re-



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convey entire lands acquired. Since said writ petition was allowed, present writ appeal came to be instituted by State. In respect of land acquisition proceedings commenced in the year 1975, awards were passed in the year 1983 and finally acquisition proceedings was upheld by Hon'ble Supreme Court of India vide order dated 17.01.1996. Therefore, land acquisition proceedings, in all respects, were concluded and confirmed by Apex Court, excluding lands to an extent of 1.50 acres, against which land acquisition proceedings had been withdrawn by State, enabling land owners to utilise subject lands for their respective residential purposes. Award proceedings would show that Ms.Chellammal and Mr.Nithyanandam had not participated in the award inquiry. However, compensation amount had been deposited. Original records produced before this Court by the State would also reveal that a letter along with demand draft was addressed to Principal Subordinate Judge, Chengalpet, by Land Acquisition Officer. Form of reference to the Court is also enclosed along with acknowledgment. Typed reproductions of these documents are as under:



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RC 3439172 dt -5.83

To

The Principal Sub Judge
Chengalpattu.

Sir,

Sub: LA – Mds. Dist - E N Taluk – Koyambedu Village S.No.166/2,
167/1B, 167/2, 167/5, 167/6 & 168/2 Acquired in Award
No.2/83 dated 28.2.83 – Deposit u/s 30 & 31 (2) of the LA
Act – Reg.

Ref: Award No.2/83 dt 28.2.83

The land bearing S.No.166/2, 167/1B, 167/2, 167/5, 167/6 and 168/2 of Koyambedu Village, E N Taluk of Madras Dist. were acquired in Award No.2/83 dt 28.2.83 for the creation of New Neighbourhood known as K.K.Nagar Part II Scheme. The amount of compensation awarded and ordered to be deposited in the SC CPT u/s 30 & 31(2) of the LA Act, as the ownership could not be determined for want of relevant document.

The following records are enclosed:-

- (1) A copy of the Award No.2/83
- (2) Form of reference to Court u/s 30 & 31(2) of the LA Act
- (3) D.D.No. T.T.A/32/979721 dt 28.3.83 for Rs.73234.90

The receipt of the D.D. may be acknowledged early. 'D' form receipt in duplicate may be returned to this office at an early date duly noting the C.R.OP.

Sd/-
SDC (LA)



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FORM OF REFERENCE TO COURT

In the Court of the Principal Subordinate Judge of Chingleput

Reference under Section 18 of the Land Acquisition Act 1 of 1894

By whom referred Thiru.T.N.Ananthanarayanan
Special Deputy Collector for Land Acquisition
State Housing Board Scheme, Madras and
Land Acquisition Officer

Village : Koyambedu

No. and date of reference New Neighbourhood Scheme, K.K.Nagar
Part II Scheme

S. No	Nature	Extent.	Particulars of trees, Buildings etc.	Total compensatio n awarded under sec. 11 (5)	Date of Possession
(1)	(2)	(3)	(4)		(6)
166/2	Dry	7.14	Well – 1 Trees	73234.90	6.4.83
167/1B	„	7.81			
167/2	„	0.08			
167/5	„	0.15			
167/6	„	0.08			
168/2	„	2.75			
		18.01			

Name of persons interested Address

- (1) Tmt.Chellammal
- (2) Thiru.Munurathina Naidu
- (3) Thiru.Nithyanandam
- (4) Ashok Corporation (Power Agent)
Fatchand
- (5) Tmt.Kamala Devi
- (6) Supt. Engineer, TNEB,
K.PM.

Persons for reference: To determine the ownership of the above land

Sd/-
Land Acquisition Officer,
and Special Deputy Collector for Land Acquisition
State Housing Board Scheme, Madras



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**SCHEDULE UNDER SECTION 19(2) OF THE LAND
ACQUISITION ACT GIVEN PARTICULARS OF
STATEMENT MADE IN WRITING**

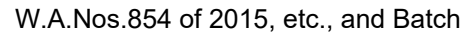
<i>From Whom</i> (1)	<i>Date of statement</i> (2)	<i>Date of Receipt</i> (3)	<i>Abstract of Statement</i> (4)	<i>Remarks</i> (5)
Ashok Corporation (Power Agent) Fatechand Tmt.Kamala Devi			(Copy of the statement enclosed)	

Sd/
Special Deputy Collector and
Land Acquisition Officer

**SCHEDULE UNDER SECTION 19(2) OF THE LAND
ACQUISITION ACT GIVING PARTICULARS OF
THE NOTICES SERVED**

<i>Description</i> (1)	<i>Date</i> (2)	<i>Name</i> (3)	<i>When served</i> (4)	<i>How served</i> (5)
12(2) notices	28.2.83	Tmt.Chellammal		By RPAD
		Thiru.Munirathin a Naidu	5.3.83	By RPAD
		Thiru.Nithyanand am	5.3.83	By RPAD
		M/s.Ashok Corporation (Power Agent) Fatchand	5.3.83	By RPAD
			5.3.83	By RPAD
		Tmt.Kamala Devi S.E, T.N.E.B., KPM		

Sd/
Special Deputy Collector and
Land Acquisition Office



13. Admittedly, land owners have not constructed any residential building in the allotted land of 1.50 acres, which was subsequently acquired by Chennai Metro Rail Limited in the year 2010. First acquisition proceedings ended in the year 1983 by passing an award and the legal battle also came to an end in the year 1996 by way of an order of Hon'ble Supreme Court of India.

14. Learned Additional Advocate General appearing on behalf of the Housing and Urban Development Department would bring it to the notice of this Court that even in respect of 1.50 acres of land, writ petitioners have not



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produced any document to establish their title. The said portion has been classified as 'Velikathan'. Since Hon'ble Supreme Court of India directed State to exclude land measuring 1.50 acres for residential purposes, Government issued a Notification excluding 1.50 acres of land. However, no houses were constructed and subject land remained vacant until it was acquired for developing Chennai Metro Rail Project. Chennai Metro Rail completed acquisition as well as the project and presently metro rail is operational.

15. A sum of Rs.93,40,11,168/- had been settled by way of compensation through a compromise to the writ petitioners. Surprisingly, Chennai Metro Rail Project as well as Land Acquisition Officer entered into a compromise without even verifying title and ownership of persons claiming compensation. This requires probe/investigation and in the event of any fraud, collusion, lapses, etc., in dealing with public money, all appropriate actions are to be initiated by the competent authorities, including criminal action.

16. When the title is in cloud, a compromise was made. Hon'ble Supreme Court of India directed the State to exclude land to an extent of 1.50 acres on the basis that writ petitioners are land owners. However, Apex Court has not gone into the correctness of title or ownership in respect of the lands acquired. Therefore, it is duty mandated on the authorities to verify title/ownership before settling compensation, as required under the provisions



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of Land Acquisition Act. State Government as well as Chennai Metro Rail authorities are bound to look into this matter for initiating appropriate action against all concerned in the manner known to law.

17. Since subsequent acquisition is of the year 2010 for developing Metro Rail project, compensation of Rs.93,40,11,168/- has been settled and it is admitted by writ petitioners. Thus, question of lapse under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) [hereinafter referred to as '2013 Act'] would not arise at all.

III. Contentions of Parties:

18. Learned Senior Counsel appearing on behalf of the writ petitioners/land owners would mainly contend that initial land acquisition proceedings were not done in accordance with law. Possession is with land owners and compensation has not been deposited. Therefore, they are entitled for the relief of lapse under Section 24(2) of 2013 Act. That apart, several documents produced by State are not in connection with subject land acquisition proceedings and therefore, order of Writ Court deserves to be upheld.



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19. Per contra, learned Senior Counsel for Chennai Metro Rail Limited Mr.P.Wilson, learned Additional Advocate General Mr.P.Kumaresan and learned Government Pleader, Mr.A.Edwin Prabhakar would contend that land acquisition proceedings were concluded by following the procedures as contemplated under the Act. That apart, land acquisition proceedings were initiated in the year 1975 and concluded in the year 1983, possession was taken and compensation was deposited. Once compensation was deposited in the year 1983, claim made after a lapse of several years, is to be construed as stale claim and thus writ Court has committed an error in allowing writ petitions. That apart, Ms.Chellammal and Mr.Nithyanandam claiming to be owners had not participated in the award proceedings itself. Therefore, for all these reasons, writ orders are liable to be set aside.

IV. Legal Position on Section 24(2) of 2013 Act:

20. Learned Senior Counsel for private respondents/erstwhile land owners has argued much about lapse as contemplated under Section 24(2) of 2013 Act.

21. Scope of lapse under Section 24(2) of 2013 Act, is to be made clear in view of the judgment of Constitution Bench of Hon'ble Supreme Court and the subsequent judgments.



(A) Interpretation of Section 24(2) of the 2013 Act: Principles, Lapse Conditions, and Subsequent Developments:

22. The Constitution Bench in *Indore Development Authority vs. Manohar Lal & Others*¹, conclusively interpreted Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (“the 2013 Act”), resolving the confusion created by earlier conflicting judgments.

23. Section 24(2) provides that land acquisition proceedings initiated under the Land Acquisition Act, 1894 shall be deemed to have lapsed if the award was made five years or more prior to the commencement of the 2013 Act and either (a) physical possession of the land has not been taken, or (b) compensation has not been paid. The Court clarified that this provision was enacted to protect landowners from prolonged inaction, while maintaining the integrity of completed acquisitions.

(i) Meaning of “Paid” Under Section 24(2):

24. The term “paid” was interpreted to mean “tender of payment” rather than actual deposit in court. Once the acquiring authority offers or tenders

¹(2020) 8 SCC 129



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compensation under Section 31(1) of the 1894 Act, its legal obligation is complete. The landowner cannot claim lapse by refusing to accept payment, and non-deposit of compensation in court under Section 31(2) does not vitiate the acquisition. In this context, the Court observed:

“366.4. *The expression “paid” in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of landholdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the “landowners” as on the date of notification for land acquisition under Section 4 of the 1894 Act.*

366.5. *In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher*



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compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.”

(ii) When Acquisition Lapses:

25. Lapse of acquisition arises only when both conditions under Section 24(2) are satisfied i.e., when neither possession has been taken nor compensation has been tendered. If either of these acts has been completed, the acquisition continues to be valid and effective. The Court thus declared:

“366.3. The word “or” used in Section 24(2) between possession and compensation has to be read as “nor” or as “and”. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.”

(iii) Taking of Possession:

26. Drawing of a panchnama or memorandum of possession is a valid and recognized mode of taking possession under land acquisition law. Once possession is taken in this manner, the land vests absolutely on the State and cannot be divested due to subsequent procedural defects. In explaining this,



the Court held:

“345. Section 24(2) is sought to be used as an umbrella so as to question the concluded proceedings in which possession has been taken, development has been made, and compensation has been deposited, but may be due to refusal, it has not been collected. The challenge to the acquisition proceedings cannot be made within the parameters of Section 24(2) once panchnama had been drawn of taking possession, thereafter re-entry or retaining the possession is that of the trespasser. The legality of the proceedings cannot be challenged belatedly, and the right to challenge cannot be revived by virtue of the provisions of Section 24(2). Section 24(2) only contemplates lethargy/inaction of the authorities to act for five years or more. It is very easy to lay a claim that physical possession was not taken, with respect to open land. Yet, once vesting takes place, possession is presumed to be that of the owner i.e. the State Government and land has been transferred to the beneficiaries, corporations, authorities, etc. for developmental purposes and third-party interests have intervened. Such challenges cannot be entertained at all under the purview of Section 24(2) as it is not what is remotely contemplated in Section 24(2) of the 2013 Act.”

366.7. The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under



Section 24(2).”

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(iv) Exclusion of Periods of Litigation:

27. The five-year period contemplated under Section 24(2) excludes any period during which the acquisition proceedings were stayed by a court or restrained by interim orders. The Bench observed in the following terms:

“366.8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1-1-2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.”

(v) Legislative Purpose and Overruling of Earlier Judgments:

28. The Court observed that Section 24(2) is not intended to reopen or invalidate completed acquisitions, but to ensure fairness in pending cases. Accordingly, ***Pune Municipal Corporation vs. Harakchand Misirimal Solanki***², and ***Sree Balaji Nagar Residential Association vs. State of Tamil Nadu***³, were expressly overruled as per incuriam for having misconstrued the statutory intent. In categorical terms, the Court observed:

²(2014) 3 SCC 183

³(2015) 3 SCC 353



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“366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e. 1-1-2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.”

(vi) Doctrinal Summary

- (1)“Paid” means tendered, not necessarily deposited in court.
- (2)Lapse occurs only if both possession and compensation are absent for five or more years before 1st January 2014.
- (3)Delays caused by court orders are excluded from computation.
- (4)Refusal by landowners to accept compensation cannot create a lapse.
- (5)Section 24(2) cannot revive stale or concluded acquisitions.

(B) Grounds to Consider Lapse Under Section 24 of the 2013 Act:

29. Section 24 of the 2013 Act states that land acquisition proceedings initiated under the Land Acquisition Act, 1894 shall be deemed to

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have lapsed in certain situations, and in some cases, the enhanced compensation under the 2013 Act shall apply.

(i) Statutory Framework

30. Section 24 delineates four distinct scenarios:

(1) Condition I: Continuation of Proceedings Where Award Was Passed Before 2013 Act

Where land acquisition proceedings were initiated under the Land Acquisition Act, 1894 and an award under Section 11 was passed before the commencement of the 2013 Act, such proceedings shall continue under the 1894 Act. They will not lapse, and the acquisition will be treated as if the 1894 Act had not been repealed.

(2) Condition II: Lapse Where No Award Was Passed Before 2013 Act

Where land acquisition had been initiated under the 1894 Act, but no award under Section 11 was passed before 1st January, 2014, the entire acquisition shall be deemed to have lapsed. A fresh acquisition must be undertaken under the provisions of the 2013 Act, which provides enhanced compensation and rehabilitation.

(3) Condition III: Lapse of Acquisition After 5 Years Without Possession or Compensation



If an award under Section 11 of the Land Acquisition Act, 1894 was passed five years or more before the commencement of the 2013 Act, but either physical possession of the land has not been taken or compensation has not been paid, then the acquisition shall be deemed to have lapsed, and a fresh acquisition may be undertaken if necessary.

(4) Condition IV: Enhanced Compensation Where Majority Has Not Received Deposited Amount

Where an award was passed, but a majority of affected landowners did not accept compensation, they are entitled to compensation as per the provisions of the 2013 Act, though the acquisition remains valid.

(ii) Judicially Recognized Grounds for Lapse

31. Following *Indore Development Authority's* case cited supra, the acquisition lapses only when both possession and compensation conditions remain unfulfilled for over five years. The following situations do not constitute a lapse:

- (1) Tender of compensation refused by the landowner;
- (2) Deposit of compensation in the treasury rather than in Court;
- (3) Delay caused by judicial orders or administrative constraints;
- (4) Constructive or symbolic possession recorded through official



documents.

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(C) Subsequent Judicial Developments: Reaffirmation and Application of Indore Development Authority:

32. In *The State of Haryana vs. Aalamgir*⁴, the Hon'ble Supreme Court reaffirmed that *Indore Development Authority's* case cited *supra* is the binding and conclusive authority governing the interpretation of Section 24(2) of the 2013 Act. Several appeals were heard together wherein the Punjab and Haryana High Court had relied on *Pune Municipal Corporation's* case cited *supra* to declare land acquisitions as lapsed. The Hon'ble Supreme Court, applying *Indore Development Authority's* case set aside those orders and remanded the matters for reconsideration.

33. The Court further dealt with procedural issues such as condonation of delay, imposition of structured costs, and substitution of legal heirs, ensuring that the clarified interpretation of Section 24(2) was uniformly applied across all cases.

Key directions:

(a) All High Court orders based on Pune Municipal Corporation were set aside.

(b) The cases were remanded for fresh examination under Indore

⁴2025 INSC 407



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Development Authority principles.

(c) Delay in filing appeals was condoned upon payment of costs, and substitution of legal heirs was permitted.

(d) Status quo orders were directed to continue until final disposal.

(e) The High Courts were instructed to reappraise factual aspects regarding possession and compensation, which are determinative of lapse.

34. The Court emphasized that factual findings regarding possession and payment cannot be presumed and must be established on evidence. Since Indore Development Authority makes these questions fact-dependent, uniform relief cannot be granted without such scrutiny. In this regard, the Hon'ble Supreme Court expressly observed:

“9. In the circumstances, we find it just and proper to set aside the impugned orders and remand these matters to the High Court for reconsideration of the Writ Petitions filed by the respondents landowners/ subsequent purchasers and to dispose of those Writ Petitions on the basis of the recent judgment of this Court in Indore Development Authority by applying the ratio and the observations of the said judgment to the facts of each case as they emanate in each of the cases.

10. At this stage, learned senior counsel and learned counsel for the respondents submitted that during the pendency of the Writ Petitions before the High Court



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and thereafter during the pendency of these appeals before this Court the respondents had the benefit of orders of status quo. Since this Court is remanding the matters to the High Court, the said orders of status quo may be continued in those cases where such orders prevail till the disposal of the writ petitions.”

Thus, the Hon'ble Supreme Court not only reaffirmed Indore Development Authority as the controlling precedent but also directed High Courts to apply its ratio to individual factual situations, ensuring uniformity and consistency in interpreting Section 24(2) across jurisdictions.

35. In ***Agricultural Produce Marketing Committee vs. State of Karnataka***⁵, the Apex Court addressed the misuse of Section 24(2) by litigants, who had themselves obtained interim stay orders against acquisition proceedings, highlighting the issue of misuse of the provision and interim orders.

36. The Court observed a growing trend of landowners filing new petitions to claim lapse under Section 24(2) despite having earlier challenged the acquisition and benefited from judicial stays. Such conduct, it held, amounts to abuse of the statutory protection.

Key observations:

⁵2022 SCC Online SC 342



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(a)**Exclusion of Delay Caused by Interim Orders:** Delays in making awards or paying compensation due to interim orders obtained by landowners cannot be invoked to claim lapse.

(b)**Remand to High Court:** The impugned Karnataka High Court judgment, which had declared lapse, was set aside as being contrary to **Indore Development Authority's** case, and the matters were remitted for fresh adjudication on all issues.

37. The Bench categorically held:

“32.....The landowners having had the benefit of interim orders granted in their favour in proceedings initiated by them against the acquisition cannot take benefit under Section 24(2) of the Act, 2013.”

Thus, the court reaffirmed that judicial delays caused at the instance of the landowners must be excluded while determining lapse and that no party can benefit from delay caused by their own litigation.

38. In **State of Gujarat vs. Jayantibhai Ishwarbhai**⁶, the Hon'ble Supreme Court again reiterated that **Indore Development Authority's** case cited *supra* represents the final and binding interpretation of Section 24(2). The Court held that acquisition does not lapse where compensation has been

⁶2023 SCC Online SC 288



tendered or deposited and possession taken in accordance with law. The

Apex Court held as follows:

“6.1. As per the law laid down by this Court in the case of Indore Development Authority (Supra) and even otherwise considering the object of providing the deemed lapse of acquisition Under Section 24(2) of the Act, 2013 seems to be that if there is any lapse on the part of the Acquiring Body/agency in not taking the possession and not paying the compensation there shall be deemed lapse of acquisition. Therefore, for a deemed lapse Under Section 24(2) of the Act, 2013, there shall be a lapse on the part of the Acquiring Body/beneficiary in not taking the possession and not paying the compensation. In the present case, both the conditions are not satisfied.”

“7.....Once the land owner refuses to accept the amount of compensation offered by the Acquiring Body, thereafter it will not be open for the original land owner to pray for lapse of acquisition on the ground that the compensation has not been paid. As observed hereinabove, there shall be deemed lapse of acquisition Under Section 24(2) of the Act, 2013 if there is a lapse on the part of the Acquiring Body/beneficiary in not taking the possession and the compensation is not paid. Even otherwise as observed and held by this Court in the case of Indore Development Authority (Supra), for the deemed lapse Under Section 24(2) of the Act, 2013, twin conditions of not taking the possession and not paying the compensation, both are required to be satisfied. Therefore, if one of the conditions is not satisfied, there shall not be any deemed lapse.”



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This decision serves as a doctrinal consolidation of the **Indore Development Authority's** case framework, ensuring consistency and stability in the application of Section 24(2).

39. The cumulative effect of these judgments reaffirms the **Indore Development Authority's** case principles as the settled position of law. The Hon'ble Supreme Court has made it abundantly clear that:

- (1) **Section 24(2) is an exceptional provision and must be strictly construed.**
- (2) **Lapse of acquisition arises only when both conditions non-payment and non-possession coexist.**
- (3) **Tendering of compensation is equivalent to payment; non-deposit in court alone does not cause lapse.**
- (4) **Periods during which proceedings were stayed by court orders are excluded from the five-year computation.**
- (5) **Litigants cannot claim lapse based on delay caused by their own interim reliefs.**

40. These developments have restored clarity, consistency, and fairness in land acquisition law, balancing the rights of landowners with the legitimate interests of the State. The jurisprudence now ensures that Section 24(2) of the 2013 Act serves its intended remedial purpose without becoming an instrument for unjust enrichment or procedural misuse.



V. Discussions:

41. In the present case, it is relevant to look into the reliefs sought for in writ petitions filed by landowners. W.P.No.26856 of 2010 was filed to declare the land acquisition proceedings initiated on 01.10.1975 is null and void. Such a prayer in a writ petition filed in the year 2010 could not have been considered by Writ Court, since the Hon'ble Supreme Court of India validated the entire land acquisition proceedings in the year 1996 in Civil Appeal No.1867 of 1992. Once the Apex Court affirmed land acquisition proceedings in the year 1996, seeking the relief of declaration to declare acquisition proceedings null and void in the year 2010 before a High Court is nothing but an abuse of process of law. Therefore, writ petition is liable to be dismissed in *limine*.

42. Relief sought for in W.P.No.19724 of 2005 is to direct the respondents to re-convey petitioner's subject land based on the representations dated 23.06.1999 and 14.11.2002. Having participated in the proceedings before Hon'ble Supreme Court of India and final order has been passed by the Apex Court in the year 1996, representations sent by the erstwhile landowners seeking re-conveyance of lands are not entertainable and relief as such sought for is not maintainable. High Court, in exercise of power of judicial review, cannot issue a direction to re-convey the lands



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acquired. Re-conveyance cannot be claimed as a matter of right.

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43. Relief sought for in W.P.No.17867 of 2010 is for a direction to the respondents therein to handover land measuring 1.50 acres to petitioner, which was excluded pursuant to order of Hon'ble Supreme Court in Civil Appeal No.1867 of 1992 dated 17.01.1996.

44. Land acquisition proceedings were confirmed by Apex Court. While confirming acquisition proceedings, the Hon'ble Supreme Court directed State to exclude 1.50 acres of land for the benefit of landowners and for their residential purposes. However, said land was subsequently acquired in the year 2010 by Chennai Metro Rail Limited. At the time of acquisition, Land Acquisition Officer as well as Chennai Metro Rail officials were bound to verify title/ownership of landowners. However, in the present case, no such scrutiny was done. Contrarily, the authorities have entered into a compromise with private respondents/claiming to be landowners and paid a sum of Rs.93,40,11,168/- in favour of those persons.

45. It is improper on the part of the Land Acquisition Officer as well as officials to enter into a compromise and settle a huge sum of Rs.93,40,11,168/- by way of compensation even without verifying title/ownership. Possibly, the authorities may have taken shelter under order of



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Hon'ble Supreme Court of India. That cannot be done because Hon'ble Supreme Court has not tested title or ownership of the persons. What was adjudicated before the Apex Court was about the correctness of land acquisition proceedings and not about title/ownership. Therefore, the authorities have to conduct an inquiry and initiate appropriate action against this transaction entered into by way of compromise.

46. As far as relief sought for in the above writ petition is concerned, 1.50 acres of land acquired for developing Chennai Metro Rail project, which was concluded in all respects, and project has been implemented. Presently, Metro Rail is operational and people are using the facility. That being so, possession had been taken and admittedly compensation to the tune of Rs.93,40,11,168/- had already been settled. Thus, the question of lapse under Section 24(2) of 2013 Act does not arise at all. Therefore, said writ petition also ought not to have been entertained by Writ Court and it is liable to be dismissed.

47. Regarding the relief sought for in W.P.No.20769 of 2010 is concerned, G.O.Ms.No.108 Planning, Development and Special Initiatives (SI) dated 28.07.2010 was under challenge. Further direction is sought for to assess the value of the acquired properties and pay just compensation. In other words, the idea of filing this writ petition is to secure enhanced



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compensation. As far as the said relief is concerned, it is not maintainable, as the enhancement of compensation must follow the procedures as contemplated under the Land Acquisition Act. In the present case, title itself is in cloud and the authorities have entered into a compromise and settled compensation without verifying title/ownership, which is a serious issue requiring further probe. Thus, said writ petition is also not maintainable.

VI. Conclusion:

48. In view of the facts and circumstances and the legal position as considered in the aforementioned paragraphs, writ orders impugned are not in consonance with the principles settled by the Hon'ble Supreme Court of India and on facts. Consequently, writ orders dated 09.01.2015 in W.P.No.26856 of 2010 and W.P.No.19724 of 2005 and writ orders dated 24.01.2011 in W.P.No.17867 of 2010 and W.P. No.20769 of 2010 are set aside. Writ Appeals in W.A.Nos.854 and 1645 of 2015 are allowed and Writ Appeals in W.A.Nos.1549 and 1550 of 2015 and 1529 and 1530 of 2018 are dismissed. The connected Miscellaneous Petitions are closed. There shall be no order as to costs.

[S.M.S., J.]

[M.S.Q., J.]

11.11.2025

Index:Yes/No

Neutral Citation:Yes/No

mmi/Jeni

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.
- 2.The Managing Director,
Nandanam, Chennai – 600 035.
- 3.The Special Tahsildar
(Land Acquisition III),
Tamil Nadu Housing Board Scheme,
Nandanam, Chennai – 600 035.
- 4.The Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Egmore, Chennai – 600 008.



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W.A.Nos.854 of 2015, etc., and Batch

**S.M.SUBRAMANIAM, J.
AND
MOHAMMED SHAFFIQ, J.**

mmi/Jeni

W.A.Nos.854 of 2015, etc., and Batch

11.11.2025



W.A.Nos.854 of 2015, etc., and Batch

**W.A.Nos.854, 1549, 1550 & 1645 of 2015 and 1529 and 1530 of 2018
and
M.P.No.1 of 2015 and C.M.P.Nos.14300 & 14302 of 2021**

**S.M.SUBRAMANIAM J.
AND
MOHAMMED SHAFFIQ J.**

(Made by S.M.Subramaniam J.)

These writ appeals are listed today under the caption “For Being Mentioned” at the instance of the appellant / CMRL

2. Learned Standing Counsel for CMRL would submit that even though this Court allowed the Writ Appeals filed by CMRL, in the operative portion of the order, it has been inadvertently stated that all writ orders impugned are set aside. Therefore, the said portion requires suitable modification.

3. Finding that there is an inadvertent error in the conclusion part of the order dated 11.11.2025 in respect of stating writ petition numbers therein, the said conclusion paragraph No.VI(48) of the order dated 11.11.2025 is substituted to read as under:

“Writ Appeals filed by Chennai Metro Rail Limited (CMRL)
and Chennai Metropolitan Development Authority (CMDA) in
WA.Nos.854 of 2015 and 1645 of 2015, challenging writ order in



W.A.Nos.854 of 2015, etc., and Batch

W.P.Nos.26856 of 2010 dated 09.01.2015 are allowed. Writ

Appeals filed by the writ petitioner in WA.Nos.1529 and 1530 of 2018, challenging the writ order dated 24.01.2011 made in W.P.Nos.17867 and 20769 of 2010 are dismissed. In the view of the orders passed hereinabove in WA.Nos.854 and 1645 of 2015, no further orders are required to be passed in W.A.Nos.1549 and 1550 of 2015. Accordingly, Writ Appeals filed by the writ petitioner in WA.Nos.1549 and 1550 of 2015 against WP.Nos.26856 of 2010 and 19724 of 2005 are closed.”

4. In all other respects, the order dated 11.11.2025 shall remain unaltered. The Registry is directed to carry out necessary corrections and issue a fresh certified copy of the corrected order to the respective parties.

(S.M.S.,J.) (M.S.Q,J.)
29.04.2026

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W.A.Nos.854 of 2015, etc., and Batch

**S.M.SUBRAMANIAM J.
AND
MOHAMMED SHAFFIQ J.**

mk

**W.A.Nos.854, 1549, 1550 & 1645 of 2015
and 1529 and 1530 of 2018
and
M.P.No.1 of 2015 and
C.M.P.Nos.14300 & 14302 of 2021**

29.04.2026