



WEB COPY



WP.No.3244 of 2019

In the High Court of Judicature at Madras

|                                 |                                    |
|---------------------------------|------------------------------------|
| Reserved on<br><b>27.3.2025</b> | Delivered on :<br><b>01.4.2025</b> |
|---------------------------------|------------------------------------|

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.3244 of 2019  
& WMP.No.3503 of 2019

1.T.Rajagopalan  
2.T.Natarajan  
3.T.Ragunathan  
4.T.Krishnamurthi  
5.J.Mythili

...Petitioners

Vs

1.The State of Tamil Nadu, rep.  
by the Secretary to Government,  
Social Welfare Department,  
Fort St.George, Madras-9.

2.The District Collector,  
Dharmapuri District.

3.The Special Tahsildar,  
Adi Dravida Welfare,  
Krishnagiri District.

4.The Special Commissioner &  
Commissioner of Land  
Administration, Ezhilagam,  
Chepauk, Chennai.

...Respondents



WP.No.3244 of 2019

WEB COPY

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Declaration declaring the acquisition of the lands in survey No.669/2 measuring 1.20 acres of Sappanipatti Village, Krishnagiri Taluk and District in pursuance of G.O.No.1176 dated 07.7.1972 as bad and violates Section 24(2) of Act 30 of 2013.

For Petitioners : Mr.V.Raghavachari, SC for  
Mrs.V.Srimathi

For Respondents : Mr.P.Kumaresan, AAG  
assisted by  
Mr.M.R.Gokul Krishnan, AGP

### ORDER

This writ petition has been filed by the petitioners seeking to declare the acquisition of the agricultural lands in survey No.669/2 measuring acres 1.20 cents of Sappanipatti Village, Krishnagiri Taluk and District in pursuance of G.O.No.1176 dated 07.7.1972 as lapsed in accordance with Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 Act (for short, the New Act).



WEB COPY



WP.No.3244 of 2019



WP.No.3244 of 2019

WEB COPY

2. Heard the learned Senior Counsel appearing on behalf of the petitioners and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioners is as follows :

(i) The petitioners are the owners of the subject properties. The acquisition proceedings were initiated under the Land Acquisition Act, 1894 (for brevity, the Old Act) in the year 1972. Pursuant to that, the father of the petitioners and another filed a suit in O.S.No.936 of 1978 on the file of the District Munsif Court, Krishnagiri. The said suit was decreed on 26.8.1980. As against it, A.S.No.40 of 1981 was filed by the State before the Sub-Court, Krishnagiri. By judgment dated 23.2.1995, the First Appellate Court reversed the said judgment and decree of the Trial Court after holding that the said suit was not maintainable. This was further confirmed in S.A.No.222 of 2001 by this Court vide judgment and decree dated 11.10.2017. While confirming the judgment of the First Appellate Court, this Court also held that the said suit was not maintainable since the same proceedings came to be challenged before this Court in W.P.No.3421 of 1972, which was dismissed on 01.11.1976.



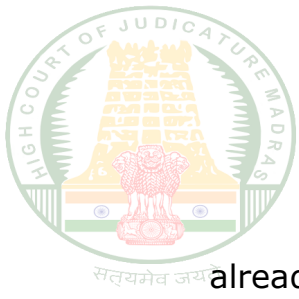
WP.No.3244 of 2019

WEB COPY

(ii) The specific case of the petitioners is that the subject properties were stated to have been allotted to the beneficiaries belonging to Adi Dravidar community whereas they are not in possession of the subject properties and they have been allotted house sites some where else. That apart, no compensation has been received by the beneficiaries. The petitioners continued to utilize the subject properties and are doing agricultural activities. It is under these circumstances, the above writ petition came to be filed before this Court.

4. The third respondent filed a counter affidavit for himself and on behalf of the other respondents wherein they took the following stand :

The acquisition is of the year 1972. Initially, it was challenged by filing W.P.No.3421 of 1972, which was dismissed on 01.11.1976. The house site pattas were also issued to the beneficiaries and taking advantage of the civil proceedings, the petitioners were not permitting the beneficiaries to take over possession. After a lapse of 47 years, the petitioners are again claiming a right over the subject properties wherein the beneficiaries belonging to Adi Draivar community have



WP.No.3244 of 2019

WEB COPY

already been identified for granting free house sites. The award has also been passed in the year 1978 and possession was taken over immediately thereafter. Accordingly, the respondents sought for dismissal of this writ petition.

5. The main ground that was raised by the learned Senior Counsel appearing on behalf of the petitioners is that till date, the petitioners are in possession of the agricultural lands, that the beneficiaries have been allotted house sites in the other survey numbers namely S.Nos.628 and 668 and that the purpose of acquisition has not been achieved till date. The other ground that was raised is that no compensation has been paid, that the possession was also not taken over and that therefore, the acquisition proceedings has lapsed under Section 24(2) of the New Act.

6. In order to substantiate his submission, the learned Senior Counsel appearing on behalf of the petitioners relied upon the Division Bench judgment of this Court in the case of ***K.N.Ramachandran Vs. Muthumari & Others [reported in 2024 (1) CWC 192]***.



WP.No.3244 of 2019

WEB COPY

7. Per contra, the learned Additional Advocate General appearing on behalf of the respondents submitted that the award has been passed on 17.3.1978, that Form-16 was also served on the land owners under Section 19(2) of the Old Act by means of affixure, that the compensation amount of Rs.8,665/- was deposited into the Sub-Court, Krishnagiri pertaining to S.No.669/2, that with respect to the other lands in S.Nos.628, 668/2 and 669/2A, a sum of Rs.15,885.85 Ps was deposited even in the year 1978 itself, that the subject properties were subdivided and converted into several plots, that ultimately, the layout was approved in the year 2010 and that the beneficiaries were allotted the plots. Under such circumstances, the learned Additional Advocate General sought for dismissal of this writ petition.

8. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

9. The father of the petitioners initially challenged the Notification issued under Section 4(1) of the Old Act by filing W.P.No.



WP.No.3244 of 2019

WEB COPY

3421 of 1972. The said writ petition came to be dismissed by order dated 01.11.1976. Subsequently, a suit came to be filed by him and another seeking to declare G.O.No.1176 dated 07.7.1972 as illegal and for a permanent injunction restraining the State from interfering on the basis of the said Government Order. Ultimately, the proceedings ended up before this Court in S.A.No.222 of 2001 and by judgment dated 11.10.2017, it was held that the said suit itself was not maintainable and that the said suit was barred by the principles of res judicata since the same proceedings were challenged before this Court by filing W.P. No.3421 of 1972, which was dismissed on 01.11.1976 and the said order dated 01.11.1976 attained finality.

10. During the pendency of the civil proceedings, even though steps were taken to allot house sites to the beneficiaries, who belong to Adi Dravidar community, the beneficiaries were not able to take over possession of the subject properties. They were putting pressure on the Authorities, who had to give some of the beneficiaries alternative house sites in the other survey numbers that were acquired. Accordingly, a fresh list of 26 beneficiaries was prepared by the District Collector concerned.



WP.No.3244 of 2019

WEB COPY

11. It is quite evident from the original records placed before this Court that the subject properties in S.No.669/2 were allotted to nearly 26 beneficiaries and that the classification was also converted into Harijan natham. It is also evident from the original records that Form 16 under Section 19(2) of the Old Act was also served on the land owners by affixure. The lands were not able to be utilized during the pendency of the civil proceedings till it came to be finally disposed of by this Court vide judgment dated 11.10.2017 in S.A.No.222 of 2001. It is also evident from the original records that the award was passed on 17.3.1978 and that the compensation amount was deposited before the Sub-Court, Krishnagiri on 12.5.1978.

12. One of the grounds that was raised by the learned Senior Counsel appearing on behalf of the petitioners is that the beneficiaries were allotted house sites in the other survey numbers namely S.Nos. 628 and 668, that there are no other beneficiaries available for being allotted house sites at S.No.669/2 and that the original purpose of acquisition itself no longer survives. In order to substantiate this submission, he relied upon the Division Bench judgment in the case of **K.N.Ramachandran.**



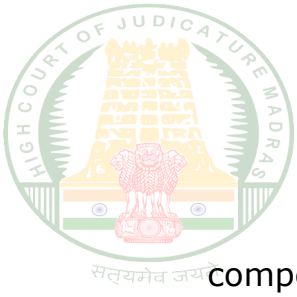
WP.No.3244 of 2019

WEB COPY

13. On carefully going through the judgment that was relied upon by the learned Senior Counsel appearing on behalf of the petitioners, it is clear that the appellant therein was in physical possession of the property and the allotment that was made was cancelled for nearly 47 beneficiaries out of 50. The Division Bench of this Court found that the original requirement of the lands did not subsist. Accordingly, the acquisition proceedings therein was quashed.

14. In the case in hand, this Court had the advantage of going through the original records. Totally, 26 persons were identified for giving them free house sites and for the issuance of patta. However, most of them except two were allotted house sites in S.Nos.628 & 668. It is an admitted position that the physical possession continues to be with the petitioners and it has not been handed over to the beneficiaries.

15. On scrutinizing the original records, there is no indication that the owner of the lands had participated in the award proceedings. There is also no indication that the notice under Section 12(2) of the Old Act was served on the land owner. Therefore, even though the



WP.No.3244 of 2019

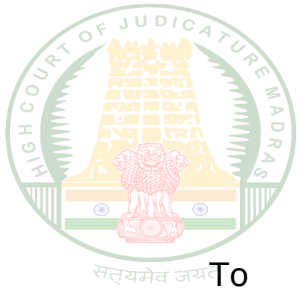
WEB COPY

compensation amount was deposited before the Court, the same will not have the effect of tendering the compensation. Hence, the compensation has not been tendered and the possession has also not been taken over. Accordingly, the proceedings will lapse under Section 24(2) of the New Act.

16. In fine, when almost all the beneficiaries have been allotted the house sites in the other survey numbers, the original requirement of the lands in S.No.669/2 measuring acres 1.20 cents no longer subsists. Hence, the subject properties can be de-notified from the original acquisition proceedings. It goes without saying that if the respondents are of the opinion that the subject properties of the petitioners are still required for providing free house sites to poor and homeless persons belonging to Adi Dravidar community, it is always left open to them to initiate fresh acquisition proceedings.

17. The writ petition is allowed in the above terms. No costs. Consequently, the connected WMP is closed.

01.4.2025



WP.No.3244 of 2019

To

1.The Secretary to Government  
of Tamil Nadu, Social Welfare  
Department, Fort St.George,  
Madras-9.

2.The District Collector,  
Dharmapuri District.

3.The Special Tahsildar,  
Adi Dravida Welfare,  
Krishnagiri District.

4.The Special Commissioner &  
Commissioner of Land  
Administration, Ezhilagam,  
Chepauk, Chennai.

RS



WEB COPY



WP.No.3244 of 2019

N.ANAND VENKATESH,J

RS

WP.No.3244 of 2019&  
WMP.No.3503 of 2019

01.4.2025