

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA No. 38 of 2025

AND

CMP NO. 259 OF 2025

The Executive Engineer And
Administrative Officer
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Sivananda Colony,
Coimbatore 600 012.

Appellant(s)

Vs

1. The Coimbatore Cricket Club Trust
Coimbatore, Rep., by its Trustees,
Manilal Govindji Khona
S/o. Govindji, M. Soundararajan,
S/o. Muthusamy,
D.Lakshminarayanasamy,
S/o. Duraisamy,
Having office at No.1133, Trichy Road,
Coimbatore, Coimbatore District.



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

3.The Special Tahsildar (land
Acquisition)
Housing Scheme No.III,
Tatabad, Sivananda Colony,
Coimbatore - 12.

4.The Tahsildar
Coimbatore (North) Taluk,
Coimbatore.

Respondent(s)

WA No. 38 of 2025

PRAYER

To set aside the order dated 28-04-2023 passed in WP.No.3351/2020.

For Appellant(s): Mr.P.Kumaresan AGG Assisted
by Mr.M.Arun Kumar SC For
TNHB

For Respondent(s): Mr.S.Silambanan Senior Counsel
For Mr.R.N.Amarnath For R1
Mr.A.Selvendran For R2 To R4



JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

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The present Intra-Court appeal has been instituted challenging the order dated 28.04.2023 passed in W.P.No.3351 of 2020.

2. The writ petition has been instituted on the ground that land acquisition proceedings lapsed on account Section 24(2) under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (also known as the New Land Acquisition Act).

3. The acquisition proceedings were completed in all respects, with the notification under Section 4(1) issued in the year 1982, followed by an award passed in the year 1987. The compensation amount was deposited with the Principal Sub Court, Coimbatore in L.A.No.11 of 1981 under Section 30 of the Land Acquisition Act, 1984 (also known as Old Land Acquisition Act). The land acquisition proceedings concluded long ago. However, the writ petition was filed several years later, mainly relying on Section 24(2) of the Right to Fair



Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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4. The issues to be considered by this Court is whether the twin conditions contemplated under Section 24(2) of the New Land Acquisition Act, have been complied with as reiterated by the Constitution Bench of the Hon'ble Supreme Court of India in the case of *Indoor Development Authority vs. Manoharlal and Others*¹.

5. Mr.P.Kumaresan, the learned Additional Advocate General appearing on behalf of the appellant would mainly contend that all the procedures as contemplated under the Old Land Acquisition Act were followed. The award was passed, compensation amount was deposited in the Court and possession was taken by the Land Acquisition Tahsildar and handed over to the Tamil Nadu Housing Board. Therefore, the writ petition filed by the contesting respondents are untenable.

1. (2020) 8 SCC 129



6. The Writ Court has not considered the fact that the possession was taken by the Land Acquisition Tahsildar and hand over to the Tamil Nadu Housing Board, and the compensation amount was also deposited. Pertinently the Tamil Nadu Housing Board obtained the layout approval from the competent authorities under the Tamil Nadu Town and Country Planning Act, 1971. That being so, the writ petition per se is not entertainable.

7. Mr.S.Silambanan, the learned Senior Counsel appearing on behalf of the 1st respondent would oppose by stating that the procedures as contemplated under the Land Acquisition Act of the year 1894 were not followed when taking possession. It is for the appellant to establish that the compensation amount was deposited. There are inconsistencies within the documents produced by the appellant regarding deposit of compensation. Therefore, the learned Single Judge is right in declaring the acquisition proceedings lapsed under Section 24(2) of the New Land Acquisition Act and thus, the present writ appeal is to be rejected.



8. This Court has considered the arguments as advanced between the parties to the *lis* on hand.

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9. The 4(1) notification was issued in the year 1982, followed by a 5(A) inquiry was conducted in the years 1982 and 1984. Six declarations were issued in the year 1985. The award inquiry under Section 11 of the Old Act was conducted from 25.02.1987 to 27.02.1987 and the award was passed on 16.10.1987. After passing the award, notice under Section 12(2) were served on the landowners, who participated in the process. The compensation was deposited on the file of the Principal Sub Court, Coimbatore in L.A.No.11 of 1981 in Award No.10/87 dated 29.03.1988, along with the Cheque No.E304436 for sum of Rs.20,47,776,.55/-. Subsequently, possession of the property was handed over to the Tamil Nadu Housing Board in the year 1990. The Tamil Nadu Housing Board converted the land into layout, obtained approval from the Planning Authority vide LP/DTCP No.567 of 1994 and prepared for the physical utilisation of the lands. A reference under Section 30 made under the Old Act was also inquired into and answered by the Land Acquisition Court



vide order dated 23.09.2013 in L.A.O.P.No.115 of 1994. The said order would

indicate that the compensation amount has been deposited and the direction was

issued to settle the compensation to the claimants/erstwhile landowners.

10. This Court in order to satisfy the twin conditions gone into the documents filed by the appellant/Tamil Nadu Housing Board.

11. Pertinently, the 1st respondent initially filed a writ petition in W.P.No.7204 of 1987 challenging 4(1) notification issued under the Old Land Acquisition Act. The said writ petition was disposed of granting liberty to the petitioner to approach the Government, if any exemption petition was filed. Subsequently, another writ petition was filed by the 1st respondent in W.P.No.18250 of 1994 challenging the 4(1) notification once again, but the said writ petition was dismissed for non-prosecution.

12. Regarding possession, the possession certificate signed between the Tahsildar, Coimbatore (North) and the Coimbatore Housing Unit Authority



stands extracted hereunder:

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Possession Certificate

I Thiru M.Kumaravelu , Tashildhar, Coimbatore (North) today (i.e.) as 15.03.1990, handed over possession of the lands under mentioned to Thiru. P. Ranganathan , Surveyor, Coimbatore Housing Unit, Tatabad, Coimbatore.

(Taluk Ref No. 17180/89/A2)

Village Name	SF.No	Extent	Details
Telungupalayam	455 (P)	1.19	
	456	6.50	
		7.69	

Award No. 10/87

Dated : 16.10.87

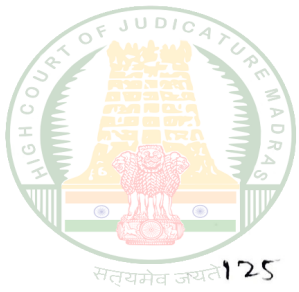
Handed over
Sd/15.03.1990

Tashildhar
Coimbatore (North)

Taken over
Sd/15.03.1990

Surveyor
Coimbatore Housing Unit

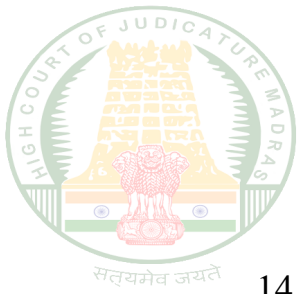
13. Regarding the depositions of the compensation amount, the receipt enclosed is extracted here under:



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L.A. 11/87. A.W. 10/87 11-16
No. 3045
Cheque No. 304436
E 29.3.88
of the Special Treasurer, (L.A.)
d 3.88 Housing Scheme No. 3.
Reserve Bank of India
State Bank of India
Treasury Officer
Principal Subordinate Judge,
Coimbatore.
s 20,47,776.55
ount of Cost of Land acquired
F. No. 383/1A. etc. of Telungapalayam
Village-
s of the Drawing Officer
of the Cheque Writer
29/3/88





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14. Beyond the aforementioned documents relating to possession and deposit of compensation, the Sub Court, Coimbatore in L.A.O.P.No.115 of 1994 passed an order dated 23.09.2013, wherein, the details regarding the subject property has been stated as under:

“Details of Claimants 99 to 101

<i>Name of the Claimants</i>	1	<i>Venkidasamy (C99)</i>		
	2	<i>Maruthakkall (C100)</i>		
	3	<i>Krishnasamy (C101)</i>		
<i>Address of the Claimants</i>	:	<i>7/216, Venkitapuram, Telegupalayam, Coimbatore.</i>		
<i>Village where Acquisition land is situated</i>	:	<i>Telegupalayam</i>		
		<i>S.No.</i>	<i>Area in Acre</i>	<i>Amount Rs. P</i>

<i>S. Numbers</i>	:	<i>455</i>	<i>1.21</i>	
		<i>456</i>	<i>6.50</i>	
<i>Total</i>			<i>7.71</i>	<i>10,65,573.65</i>
<i>Court Deposit amount</i>				<i>10,65,573.65</i>

The claimants 99 to 101 filed a Sale Deed dated 21.04.1977 executed by the Rangasamy Konar; the documents is marked as Ex.C.9, the sale deed is verified by this Court. It is certified copy;



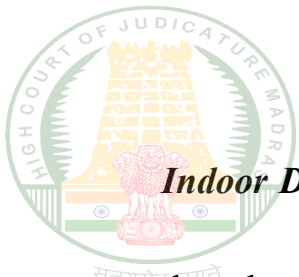
from it, it is understood that the claimants 99 to 101 are entitled for the land as mentioned above.”

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15. When twin conditions as stipulated under Section 24(2) of the New Land Acquisition Act has been complied with, the writ petitions filed challenging the land acquisitions proceedings are to be construed as stale claims, and the Courts are not expected to entertain the writ petitions.

16. In the present case, the land acquisition proceedings were concluded long ago in the year 1994, and the Government handed over the possession to the Tamil Nadu Housing Board, who in turn secured layout approval from the Planning Authority in the same year. The acquired lands handed over to the Housing Board were converted into housing plots for the purpose of housing scheme. That being so, now the 1st respondent / Club cannot claim right over the subject property.

17. The Writ Court has not considered these documents for the purpose of complying Section 24(2) which has been reiterated by the Apex Court in the



Indoor Development Authority's case cited supra. Since the documents reveals

that the possession was taken by the Government and handed over to the Housing Board and the compensation amount was deposited before the Sub Court, Coimbatore, there is no basis to entertain the writ petition filed on the ground that the land acquisition proceedings became lapsed.

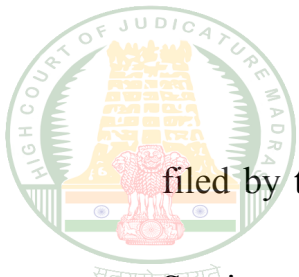
18. However, one of the issues raised by the 1st respondent is that the Government has not preferred an appeal, and the requisitioning body, namely the Tamil Nadu Housing Board, filed the present writ appeal, which should therefore be rejected. This issue is no more *res integra*, as the Constitution Bench of the Hon'ble Supreme Court in the case of ***U.P. Awas Evam Vikas Parishad vs. Gyan Devi and Others***², has approved the rights of the Requisitioning Body to file an appeal challenging the determination of the amount of compensation fixed.

19. The Division Bench of this Court in ***The Chairman and Others Vs.***

R.Karuppa Konar and Others³, had occasion to consider review applications

2. (1995) 2 SCC 326

3. 2007 (6) MLJ 416

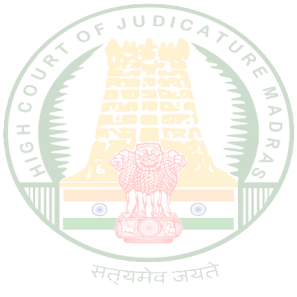


filed by the requisitioning body against quashing of notifications issued under

Section 4(1) of the Land Acquisition Act. In paragraph 10, it was held as

follows:

“10. In view of our above discussion and the above said settled legal position of law by the Honourable Apex Court that the requisitioning body is an interested party to the proceedings and in view of the undisputed fact that the petitioner is the requisitioning body, we are unable to accept the contention raised by the learned counsel for the respondents that these review applications filed by the requisitioning body is not maintainable. At this juncture, the learned senior counsel for the respondents has submitted that if at all, as per the judgments of the Honourable Apex Court, the requisitioning body should have filed only an appeal but not the review applications. This is nothing but reading between the lines of the judgments of the Honourable Apex Court, since it is common knowledge of anybody that Review is only a continuation of the earlier proceedings. Therefore, it cannot be said that the petitioners are not entitled to



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*file these review applications. Thus settling this issue,
now we shall proceed to decide the other points urged
by both the parties.”*

20. In view of the above, we are inclined to interfere and consequently, the writ order dated 28.04.2023 passed in W.P.No.3351 of 2020 is set aside and the Writ Appeal stands allowed. The Housing Board shall take necessary steps to protect the land for implementation of public welfare schemes. The connected Miscellaneous Petition is closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

10-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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**S.M.SUBRAMANIAM
J.
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K.RAJASEKAR J.**

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