



W.P.Nos.6935 to 6938 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.6935 to 6938 of 2019

and

W.M.P.Nos.7675 to 7678 of 2019

1. V.T.Nalini
2. V.T.Girija
3. V.T.Dhakshayani

... Petitioners in W.P.Nos.6935
and 6936 of 2019

1. K.Rajasekaran
2. K.Subramanian

... Petitioners in W.P.No.6937 of 2019

1. R.D.Narayanan
2. R.D.Jayaram
3. R.D.Bhuvaneswari

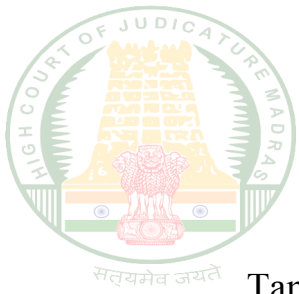
... Petitioners in W.P.No.6938 of 2019

Vs.

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

2. The District Collector,
Thiruvallur District,
Thiruvallur.

3. The Chairman,



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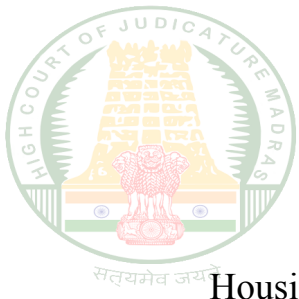
Tamil Nadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai – 600 035.

4. The Special Tahsildar (Land Acquisition),
Unit-IV, Tamil Nadu Housing Board Schemes,
Nandanam,
Chennai – 600 035.

... Respondents in all W.Ps.

Prayer in W.P.No.6935 of 2019:- Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Declaration, declaring that the entire Land Acquisition proceedings initiated under Section 4(1) Notification under the Land Acquisition Act, 1894 in Rc.A1/7261/98 dated 24.07.2003 and Section 6 Declaration in G.O. (Ms) No.327, Housing & Urban Development Department dated 19.08.2004 under the Land Acquisition Act, 1894 shall be deemed to have been lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 i.e., the Central Act 30 of 2013 in respect of the petitioners' property situated in Survey No.12/1C to an extent of 0.30.0 hectares in Chembarampakkam Village (Phase-II, Block-II), Poonamallee Taluk, Thiruvallur District.

Prayer in W.P.No.6936 of 2019:- Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Declaration, declaring that the entire Land Acquisition proceedings initiated under Section 4(1) Notification under the Land Acquisition Act, 1894 in Rc.A1/7262/98 dated 24.07.2003 and Section 6 Declaration in G.O. (Ms) No.327,



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Housing & Urban Development Department dated 19.08.2004 under the Land Acquisition Act, 1894 shall be deemed to have been lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 i.e., the Central Act 30 of 2013 in respect of the petitioners' property situated in Survey No.13/4 to an extent of 0.52.5 hectares in Chembarampakkam Village (Phase-II, Block-III), Poonamallee Taluk, Thiruvallur District.

Prayer in W.P.No.6937 of 2019:- Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Declaration, declaring that the entire Land Acquisition proceedings initiated under Section 4(1) Notification under the Land Acquisition Act, 1894 in Rc.A1/7261/98 dated 24.07.2003 and Section 6 Declaration in G.O. (Ms) No.327, Housing & Urban Development Department dated 19.08.2004 under the Land Acquisition Act, 1894 shall be deemed to have been lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 i.e., the Central Act 30 of 2013 in respect of the petitioners' property situated in Survey No.12/1B to an extent of 0.28.5 hectares in Chembarampakkam Village (Phase-II, Block-II), Poonamallee Taluk, Thiruvallur District.

Prayer in W.P.No.6938 of 2019:- Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Declaration, declaring that the entire Land Acquisition proceedings initiated under Section 4(1)



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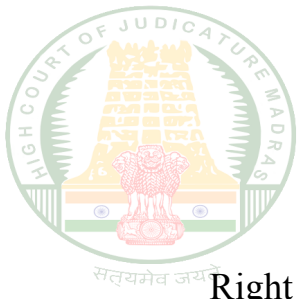
Notification under the Land Acquisition Act, 1894 in Rc.A1/7261/98 dated 24.07.2003 and Section 6 Declaration in G.O. (Ms) No.327, Housing & Urban Development Department dated 19.08.2004 under the Land Acquisition Act, 1894 shall be deemed to have been lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 i.e., the Central Act 30 of 2013 in respect of the petitioners' property situated in Survey No.12/1A to an extent of 0.26.0 hectares in Chembarampakkam Village (Phase-II, Block-II), Poonamallee Taluk, Thiruvallur District.

For PetitionerS : Mr.K.Elango
in all W.Ps

For Respondents: Mr.N.Naveen Kumar,
in all W.Ps Government Advocate (for R1, R2 & R4)
Mr.P.S.Seetharaman (for R3)

COMMON ORDER

These Writ Petitions have been filed declaring that the entire Land Acquisition proceedings initiated under Section 4(1) Notification under the Land Acquisition Act, 1894 dated 24.07.2003 and Section 6 Declaration in G.O. (Ms) No.327, Housing & Urban Development Department dated 19.08.2004 under the Land Acquisition Act, 1894 shall be deemed to have been lapsed by virtue of Section 24(2) of the



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Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 i.e., the Central Act 30 of 2013 in respect of the petitioners' properties.

2. Though similar writ petitions were allowed by this Court, the third respondent preferred an appeal and the same was allowed by the Hon'ble Division Bench of this Court in W.A.No.930 and 1028 of 2025 dated 29.04.2025. For ready reference, this Court deems it appropriate to extract the relevant paragraphs of the said judgement, which reads as follows:-

“6. The learned Standing Counsel would further submit that the benefit of G.O.Ms.No.7 dated 03.01.2007 cannot be extended to the private respondents in the present writ appeals, in view of the fact that in their cases, award has been passed in the year 2006 and compensation has been deposited and possession taken. Even as per the Constitution Bench judgment of the Hon'ble Supreme Court in the case of Indore Development Authority v. Manoharlal and others etc., (2020) 8 SCC 129, one of the conditions under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the new



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LA Act”) is complied with, then the acquisition cannot be held as lapsed. Thus the writ Court has erred in allowing the writ petitions.

7. Regarding re-conveyance of land under Section 48-B of the old LA Act is concerned, the land vest with the Government was transferred in favour of the requisitioning body, Tamil Nadu Housing Board. Therefore, re-conveyance of land under Section 48-B would not arise at all.

8. It is the claim of the private respondents that the Division Bench of this Court, while dealing with the batch of writ appeals in connection with the challenge made to S.4(1) notification, made an observation that large chunk of lands were excluded from land acquisition proceedings by virtue of G.O.Ms.No.7 dated 03.01.2007. The respondents/writ petitioners are also similarly placed and they are entitled for the same relief.

9. The observations made by the Division Bench of this Court in the batch of writ appeals are relied upon by the private respondents so as to submit that once the scheme is dropped partially, the remaining lands acquired are also to be exempted under Section 48-B of the old LA Act. Even otherwise, the respondents are entitled to the benefit under Section 24(2) of the new LA Act, as



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possession vest with the private respondents and symbolic possession would be insufficient.

10. Firstly, regarding re-conveyance of land under Section 48-B of the old LA Act is concerned, satisfaction of Government is the requisite element for re-conveyance of land, which was already acquired. The Government must be satisfied that the land, which is sought to be released, is not required for the purpose for which it was acquired or for any public interest. It is needless to state that once the lands are acquired, declaration issued, award passed and compensation deposited, the lands absolutely vest with the Government and therefore, re-conveyance cannot be claimed as an absolute right by the erstwhile land owners. In the present cases, lands acquired by the Government were transferred in favour of the Tamil Nadu Housing Board and the Tamil Nadu Housing Board is in the process of implementing Tirumazhisai Satellite Township. It is brought to the notice of this Court that the scheme is in implementation and developments are already made in respect of the lands measuring to an extent of 122.99 acres. The award is also passed in respect of 466.49 acres of lands, out of which 350 acres are being utilized for developing Tirumazhisai Satellite Township. There is no dispute in respect of 350 acres of land, since the land owners have not come forward to challenge the acquisition.



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In cases where no award has been passed, that land has been dropped and as far as the cases where awards have been passed, the Government transferred the lands to the Tamil Nadu Housing Board and the said lands are being utilized for developing Tirumazhisai Satellite Township.

11. The respondents made an attempt to take advantage of the Government Order passed in G.O.Ms.No.7, Housing and Urban Development Department dated 03.01.2007 granting exemption in respect of 1228.49 acres. As far as the said lands are concerned, admittedly, no award was passed and therefore the equality clause pleaded by the private respondents deserves no merit consideration. Equality clause is to be applied amongst equals and not against unequals. In the present cases, award passed cases cannot be equated with award not passed cases. Admittedly, in the case of private respondents in the present writ appeals, awards were passed and compensation was deposited by the Government and some of the land owners had already withdrew the compensation and some filed petitions for enhancement of compensation. That being so, the observations made by the Division Bench in respect of the writ appeals filed challenging S.4(1) notification has no application in respect of the private respondents in the present writ appeals. Even after granting exemption to a larger extent, the land



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already vest with the Government. An extent of 466.49 acres were transferred to the Tamil Nadu Housing Board and the Tamil Nadu Housing Board has commenced its project and is in the process of implementing the Tirumazhisai Satellite Township. Thus the point of discrimination raised by the private respondents would have no application.

12. In respect of Section 24(2) of the new LA Act, it is not in dispute that in respect of the lands acquired from the private respondents in the present writ appeals, compensation amount was deposited pursuant to the award passed in the year 2006. Some of the owners have already withdrawn the compensation. Even as per the ratio laid down by the Constitution Bench of the Hon'ble Supreme Court of India in the case of Indore Development Authority v. Manoharlal and others etc., (2020) 8 SCC 129, settled cases cannot be unsettled after a lapse of long years. It is sufficient if anyone of the conditions contemplated under Section 24(2) has been complied with. In the present cases, there is no dispute between the parties that the compensation had already been deposited.

13. Regarding possession, the Tamil Nadu Housing Board would submit that they have taken possession. Though it is disputed by the private respondents/owners, the same deserves no further consideration, in view of the fact



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that award was passed in the year 2006 and compensation had already been deposited and Tirumazhisai Satellite Town is under development. That being so, the benefit of Section 24(2) of the new LA Act cannot be extended in favour of the private respondents.

14. As far as the Division Bench judgment relied on by the private respondents is concerned, the observations made therein are of no avail, since those writ petitions are relating to the challenge made to S.4(1) notification and more so, the Government has dropped the acquisition proceedings in respect of cases where no award has been passed. In view of the above discussions, this Court is of the considered opinion that the reliance placed by the writ Court with reference to the findings made in the Division Bench order dated 19.10.2023 are of no avail. Consequently, the impugned orders dated 18.11.2021 & 07.01.2022 passed in the writ petitions are set aside and the writ appeals are allowed. Consequently, C.M.P.Nos.7913 & 8346 of 2025 are closed. No costs.”

3. In view of the above, all the writ petitions are similar to the above Writ Appeals. Accordingly, these Writ Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.



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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai – 600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Chairman,
Tamil Nadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai – 600 035.
4. The Special Tahsildar (Land Acquisition),
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