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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2025

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**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.Nos.1659,1716, 1721, 1725, 1727, 1730,
1731, 2086, 2087, 2088, 1063, 1626,
1628, 1629 and 1817 of 2025**

and

**CMP Nos.12340, 13012, 13088, 13045, 13070, 13126
13134, 15813, 15814, 15818, 8522, 12096,
12097, 12098, and 13876 of 2025**

In W.A.No.1659 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
Nandanm, Chennai.

Appellant

Vs

1. Duraisamy Naicker (died), S/o Murugesu Naicker
2. The Secretary to Government,
The Government of Tamilnadu,
Housing an Urban Development Department,
Secretariat, Chennai 600 009.
3. The Collector, Thiruvallur District, Thiruvallur.
4. D, Kanniyamma, w/o Duraisamy Naicker (late)
5. D.Srinivasan, s/o Duraisamy Naicker (late)
6. Shanthi, d/o Duraisamy Naicker (late)



7. D.Loganathan, So Duraisamy Naicker (late)

(R1 (died) is substituted by the respondents 4 to 7 as LR's of deceased R1, vide order of this court dated 17.03.2025 made in CMP No.18710 of 2023 in CMP No.4776 of 2025 in WA SR 29742 of 2022

Respondents

In W.A.No.1716 of 2025

1. The Chairman, Tamil Nadu Housing Board,
Nandanam, Chennai.

Appellant

Vs

1. V.Deenabandhu (died)
2. The Secretary to Government,
The Government of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
3. The District Collector, Thiruvallur District,
Thiruvallur.
4. The Tahsildar, No.331, Anna Salai,
Nandanam, Tamilnadu Housing Board, Chennai-107.
5. Shanthakumari w/o Deenabandhu (late)
R1 died. R5 is brought on record as LR's of the
deceased 1st respondent vide order dated 17.3.25
in WA Sr No.29733/2022 etc. batch)

Respondents

In W.A.No.1721 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai.

Appellant

Vs

1. Gomalavalli
2. V.K.Sambatham
3. V.K.Sukumar



4. Vasantha

5. V.K.Jayavelu

6. Bhavani

7. D.Amudha

8. Kanniammal

9. Chinnammal (died) w/o late Varadhan

10. V.Elumalai

11. Duraisamy Naicker (died)

12. Indrani

13. V.Udayakumar

14. Kousalya

15. S.Sarswathi (died)

16. The Secretary to Government,
The Government of Tamilnadu,
Housing an Urban Development Department,
Secretariat, Chennai 600 009.

17. Nagarajan, s/o Varadhan (late)

18. Shanthi D/o Varadhan (late)

19. Kasthuri, D/o Varadhan (late)

20. Srinivasan, S/o Varadhan (late)

21. Pazhanisamy, S/o Varadhan (late)

(R9 (died) is substituted by the respondents
17 to 21 as LR's of deceased R9, vide order
dated 17/03/2025 in CMP Nos.18731/2023 and
6117/2025, 4079 & 4782 of 2025 in WA
SR 29738 of 2022)



22. D.Srinivasan, S/o Duraisamy Naicker (late)

23. Shanthi, D/o Duraisamy Naicker (late)

24. D.Loganathan, S/o Duraisamy Naicker (late)

R11 (died) is substituted by the respondents 17 to 21 as LR's of the deceased R11, vide order dated 17.03.2025 in CMP Nos.18731/23, 7116/25, 4079/25 and 4782/205 in WA SR No.29738/2022.

25. Sivagnanam, s/o Thirunavukarasu Mudaliar

26. Sathish kumar s/o Sivagnanam

27. Ashok Kumar, S/o s/o Sivagnanam

28. Hemalatha, S/o s/o Sivagnanam

29. Mythili, S/o s/o Sivagnanam

(R15 (died) substituted by the respondents 25 to 29 as LR's of the deceased R15, vide order of this court dated 17.03.2025 made in CMP Nos.18731/23, 6117/2025, 4079/25 & 4782/25 in WA SR No.29738/2022.

Respondents

In W.A.No.1725 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

Appellant

Vs.

1. V.Deenabandhu (died)

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



3. Shanthakumar, w/o Deenabandhu (died)

R1 died. R3 is brought on record as LR of the deceased R1, vide order dated 17.03.2025 made in CMP No.4075 of 2025 in WA Sr.No.29765 of 2022 etc. batch.

Respondents

W.A.No.1727 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
Koyambedu, Chennai 600 107.

Appellant

Vs.

1. M.Muthu (died)
2. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
3. Meera , w/o Muthu (late)
4. Mekala D/o Muthu (late)
5. Selvi d/o Muthu (late)
6. Seenivasan S/o Muthu (late)

R1 died. R3 to R6 are brought on record as LR of the deceased R1, vide court order dated 17.03.2025 made in CMP No.4054 of 2025 in W.A.Sr.No.29766 of 2022.

Respondents

W.A.No.1730 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
Koyambedu, Chennai 600 107.

Appellant



Vs.

1. V.Deenabandhu (died)

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

3. The District Collector, Thiruvallur District,
Thiruvallur.

4. The Tahsildar, No.331, Anna Salai,
Nandanam, Tamil Nadu Housing Board,
Chennai - 107.

5. Shanthakumari w/o Deenabandhu (late)

R1 died. R5 is brought on record as LR's of the deceased
R1 vide order dated 17.03.2025 made in
CMP No.4100/2025 in WA Sr.No.29731 of 2022 etc.
batch

Respondents

W.A.No.1731 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

Appellant

Vs.

1. K.N.Manavalan (died)

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

3. The District Collector, Thiruvallur District,
Thiruvallur.



4. The Tahsildar, No.331, Anna Salai,
Nandanam, Tamil Nadu Housing Board,
Chennai - 107.

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5. Sundar Rajan S/o Manavalan (late)
6. Kalyani D/o Manavalan (late)
7. Purushothaman S/o Manavalan (late)
8. Vasudevan S/o Manavalan (late)
9. Harikrishnan S/o Manavalan (late)

Respondents

R1 died. R5 to R9 are brought on record as LR's of the deceased R1, vide order dated 17.03.2025 made in CMP No.4153/2025 in WA SR No.29732/2022 etc.batch

W.A.No.2086 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

Appellant

Vs.

1. D.Amudha
2. The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.

Respondents

W.A.No.2087 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
Koyambedu, Chennai 600 107

Appellant

Vs.

1. Varalakshmi w/o late Lakshmipathy



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2. Hariharan, S/o late Lakshmipathy
3. Shalini, d/o late Lakshmipathy
4. Lalitha, w/o late D.Baskar
5. B.Mohan, late D.Baskar
6. Minor B.Prabhu, s/o late D.Baskar
rep. by his natural guardian mother Lalitha.
7. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
8. The District Collector, Thiruvallur District,
Thiruvallur.
9. The Tahsildar, Tamil Nadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai - 600 035.

W.A.No.2088 of 2025

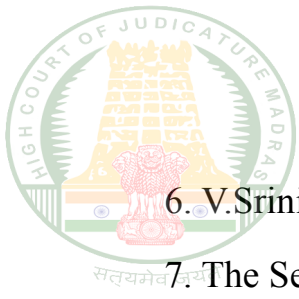
Respondents

1. The Chairman,
Tamil Nadu Housing Board,
Koyambedu, Chennai 600 107.

Vs.

Appellant

1. Santhakumari, w/o late V.Deenabandhu
2. Pushpalatha, D/o Varadharamanujam
3. V.Deenadayalan, S/o Varadharamanujam
4. V.Janardhanam, s/o Varadharamanujam
5. V.Venkateswaralu, s/o Varadharamanujam



6. V.Srinivasalu, s/o Varadharamanujam

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

8. The District Collector, Thiruvallur District,
Thiruvallur.

9. The Tahsildar, Tamil Nadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai - 035.

Respondents

W.A.No.1063 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
No.331, Annasalai, Nandanam,
Chennai 600 035.

Appellant

Vs.

1. R.Kesavan, s/o Rajikhankillari

2. R.Elumalai, s/o Rajikhankillari

3. J.Dhanammal w/o late R.Jeyaraman

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

Respondents

W.A.No.1626 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

Appellant

Vs.



1. Vijayan Sugumaran, s/o Sugumaran

2. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.

Respondents

W.A.No.1628 of 2025

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.
Vs.

1. B.Bhavani

2. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.

Appellant

W.A.No.1629 of 2025

1. The Managing Director,
Tamil Nadu Housing Board,
No.331, Anna Salai,
Nandanam, , Chennai 600 035.

Respondents

Vs.

1. K.N.Manavalan (died)

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

Appellant

3. The District Collector, Thiruvallur District,



Thiruvallur.

4. The Tahsildar, Tamil Nadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai - 035.

5. Sundar Rajan s/o Manavalan (late)

6. Kalyani, d/o Manavalan (late)

7. Purushothaman, s/o Manavalan (late)

8. Vasudevan, s/o Manavalan (late)

9. Harikrishnan , Manavalan (late)

R1 died substituted by LRs R5 to R9 vide order dated
17.03.2025 made in CMP No.3294/2025 in
WA Sr.No.29764 of 2022

W.A.No.1817 of 2025

Respondents

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

Appellant

Vs.

1. P.Parthasarathy, s/o Arumuga Naicker

2. Krishnappa Naicker s/o late Govindappa Naicker

3. C.Sekar s/o late Chandra Mudaliar

4. S.Kuppuswamy s/o late Subramani

5. Bhavani, d/o P.T.Subramanian

6. Parvathi, w/o Arjunan Nayakar

7. Prabhavathy, w/o V.L.Packianathan

8. V.L.Packianathan (died), s/o Loganathan

9. B.Elumalai, s/o Balu



10. V.Prema, w/o G.Viswanathan

11. K.Dasarathan, s/o Laliappan

12. M.Nageswara Rao, s/o late Munuswamy

13. Goviindaraj, s/o Madhavan Naicker

14. Ethirajammal w/o Parasuraman (late)

15. Mariammal w/o K.Vaithy

16. M.Renganathan, s/o Madhavan Naicker

17. Vanaja w/o M.T.Ramu

18. Devika Rani, w/o K.Dasarathan

19. V.Ramalingam

20. Komala

21. The Secretary to Government,
The Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.

22. B.Prabavathi w/o Packianathan (late)

2.3 B.Ponnambalam, s/o Packianathan (late)

24. B.Amutha d/o Packianathan (late)

25. B.Nirmala d/o Packianathan (late)

R8 died is substituted by respondents 22 to 25 as his LRS
vide order dated 17.03.2025 made in MP No.19047/2023
in CMP No.3688/2025 in WA SR 29777/2022.

Respondents

PRAYER in W.A.No.1659 of 2025 : Writ Appeal filed under Clause 15 of the



Letters Patent to set aside the order passed by this court in W.P.No. 8936 of

2010 dated 18.11.2021

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PRAYER in W.A.No.1716 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No.22021 of 2013 of 2010 dated 18.11.2021.

PRAYER in W.A.No.1721 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No. 8941 of 2010 dated 18.11.2021.

PRAYER in W.A.No.1725 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No. 32121 of 2014, dated 18.11.2021

PRAYER in W.A.No.1727 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No.34012 of 2014 dated 18.11.2021

PRAYER in W.A.No.1730 of 2025 : Writ Appeal filed under Clause 15 of the



Letters Patent to set aside the order passed by this court in W.P.No.29845 of 2012, dated 18.11.2021

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PRAYER in W.A.No.1731 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No.29847 of 2012, dated 18.11.2021.

PRAYER in W.A.No.2086 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No.8931 of 2010, dated 18.11.202.

PRAYER in W.A.No.2087 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No.3957 of 2016, dated 18.11.2021.

PRAYER in W.A.No.2088 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No.5194 of 2019, dated 07.01.2022.

PRAYER in W.A.No.1063 of 2025 : Writ Appeal filed under Clause 15 of the



Letters Patent to set aside the order passed by this court in W.P.No.4833 of 2019, dated 07.01.2022.

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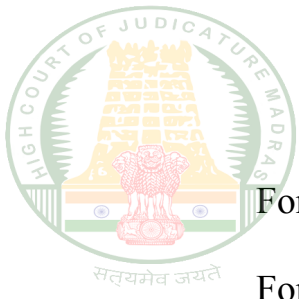
PRAYER in W.A.No.1626 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No.4917 of 2016, dated 18.11.2021.

PRAYER in W.A.No.1628 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No.34013 of 2014, dated 18.11.2021.

PRAYER in W.A.No.1629 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No.10184 of 2015, dated 18.11.2021.

PRAYER in W.A.No.1817 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this court in W.P.No.17820 of 2010, dated 18.11.2021.

In all cases



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For Appellant(s)

:Dr.N.Moorthi, Seior Counsel

For Respondent(s)s

: Mr.L.G.Sahadeven for R1 and other
private respondents

Mr.Vadivel Deenadayalan,
Addl.Govt.Pleader for official respondents

COMMON JUDGMENT

(Judgment of the Court was made by J.Nisha Banu J.)

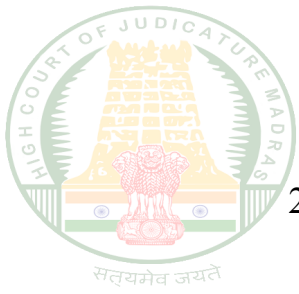
All these appeals have been filed by the Tamil Nadu Housing Board, challenging the orders passed by the Writ Court in the batch of cases on 18.11.2021 and 07.01.2022.

2. The private respondents/ writ petitioners filed their respective writ petitions, challenging

i) G.O.Ms.No.7, Housing and Urban Development
Department, dated 03.01.2007,

ii) Order passed by the official respondents, rejecting
the claim of the writ petitioners seeking reconveyance, and

iii) Land Acquisition proceedings, as it was already
lapsed by virtue of Section 24(2) of the Right to Fair
Compensation and Transparency in Land Acquisition,
Rehabilitation and Resettlement Act, 2013 (Central Act 30 of



2013).

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3. After detailed discussions, the learned Single Judge, vide order dated 18.11.2021, has dismissed the writ petitions, whose lands come under Phase-I Scheme, because, already the said scheme was implemented and all the respective land owners have received their compensation for their respective land, which were already acquired and allowed the remaining writ petitions by giving directions. The finding of the writ is extracted here under.

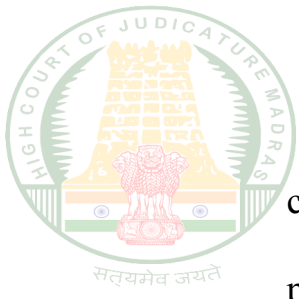
29. In view of the above, this court is inclined to pass the following orders:-

(i) The writ petition in W.P.No.17820 of 2010 stands partly allowed.

(ii) The writ petitions in W.P.Nos.29758, 29760 of 2012, 24159, 24158 of 2013, 33223, 33224, 33225 and 34405 of 2014 and 8870, 8871 & 8874 of 2015 are dismissed, since the subject lands come under Phase-I Scheme.

iii) All the remaining writ petitions are allowed. The combined sketch plan produced by the Tamil Nadu Housing Board shall form a part and parcel of this order.

(iv) It is made clear that the petitioners, who already received the compensation, are directed to deposit the said



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compensation amount with interest at the rate of 6% (six percentage) per annum to the third respondent viz., Tamil Nadu Housing Board, within a period of six weeks from the date of receipt of a copy of the order. On such deposit, the third respondent is directed to mutate all the revenue records in their favour.

(v) Like wise, in so far as the compensation amount, which were already deposited by the respondents and not withdrawn by the respective land owners are concerned, the respondents are permitted to withdraw the amount, which are lying either as the revenue deposit or court deposit.

4. Subsequently, another batch of writ petitions were filed challenging the land acquisition proceedings and the same were allowed, vide order dated 07.01.2022, in view of the earlier order passed by the writ court, dated 18.11.2021 in W.P.No.8924 to 8941 and 17820 of 2010 etc. batch.

5. Now, challenging the above said orders dated 18.11.2021 as well as 07.01.2022 passed in the respective writ petitions, the Tamil Nadu Housing Board has filed the present writ appeals. Pending proceedings, some of the writ petitioners died and hence, the legal heirs of the respective deceased writ



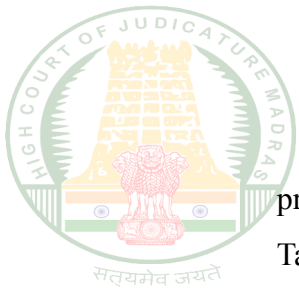
petitioners were impleaded as party respondents.

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6. In an identical issue, a Division Bench of this Court has passed orders in W.A.Nos.256, 309 of 2025 etc. batch, dated 17.03.2025 and the same is reproduced as follows.

" 2. The batch of intra-Court appeals on hand have been instituted under Clause 15 of the Letters Patent, challenging the orders passed by the writ Court dated 18.11.2021 & 07.01.2022 respectively, in the batch of writ petitions.

3. The facts in brief required for consideration would be that the land acquisition proceedings in five villages, namely, Koothambakkam, Vellavedu, Parvatharajapuram, Narasingapuram and Chembarambakkam villages were initiated by the Government under the Land Acquisition Act, 1894 (hereinafter referred to as "the old LA Act") in the year 1998, pursuant to the announcement made by the Hon'ble Minister for Housing and Urban Development on the floor of the Assembly on 21.08.1996, for developing Tirumazhisai Neighbourhood Scheme through the requisitioning body, Tamil Nadu Housing Board. Acquisition proceedings were initiated to acquire 1694.98 acres, which includes 743.35 acres of wet lands and 951.63 acres of dry lands. S.4(1) notification was issued. Admittedly, awards have been passed in respect of 466.49 acres, which includes 371.59 acres of wet lands and 94.90 acres of dry lands. In respect of lands acquired after passing of awards, the Government passed an order and handed over the acquired lands to the Tamil Nadu Housing Board. Challenging S.4(1) notification, writ petitions were filed by the owners. The batch of writ petitions filed challenging S.4(1) notification were allowed and aggrieved thereby, the Tamil Nadu Housing Board and the Special Tahsildar (Land Acquisition)



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preferred writ appeals before this Court. The writ appeals filed by the Tamil Nadu Housing Board were dismissed by the Division Bench of this Court vide the common judgment dated 19.10.2023. Special Leave Petition filed by the Tamil Nadu Housing Board was dismissed at the admission stage.

4. Fact remains that the Government itself came out with a revised proposal and had taken a decision to drop the acquisition proceedings in respect of cases where no award has been passed. Accordingly, lands to an extent of 1228.49 acres were exempted from land acquisition proceedings, mainly on the ground that no award has been passed in those cases. The Government considered the revised proposal of the Managing Director, Tamil Nadu Housing Board for formation of Tirumazhisai Satellite Township and decided not to acquire lands any further, except 235.67 acres of lands, for which awards have been passed and possession handed over to Tamil Nadu Housing Board, 33.42 acres for which possession yet to be handed over to Tamil Nadu Housing Board, 102.50 acres covered under Court cases, for which award has already been passed. Altogether 371.59 acres of wet lands and 94.90 acres of dry lands, for which award has been passed and possession yet to be handed over and 12.96 acres of wet lands for formation of approach road. Entire land is totally 466.49 acres.

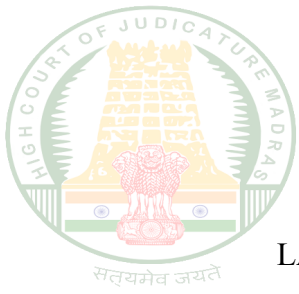
5. As far as the present batch of writ appeals are concerned, the acquisition involved is to an extent of 83.29 acres. It is not in dispute between the parties that award had been passed in all those cases and compensation had been deposited either in civil Court deposit or in district treasury and in some of the cases, the erstwhile land owners withdrew the award amount. Therefore, out of 466.49 acres of lands, wherein award has been admittedly passed, 83.29 acres of lands including the lands covered in two writ petitions have been involved in respect of the batch of writ appeals now before this Court.



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6. The learned Senior Counsel Mr.R.Viduthalai appearing on behalf of the Tamil Nadu Housing Board would mainly contend that the lands involved in the present batch of writ appeals measuring 83.29 acres are concerned, admittedly award has been passed and compensation has been deposited by the Government and the Tamil Nadu Housing Board being the requisitioning body has taken possession. The Tamil Nadu Housing Board has already developed Tirumazhisai Satellite Township under the very same scheme originally mooted out and extended the scheme for 350 acres and the scheme is in progress. When the scheme is being implemented in about 350 acres with construction of bus stand and developments have already been made in some areas, approximately about 122.99 acres, the lands acquired to an extent of 83.29 acres are also part of the same Tirumazhisai Satellite Township and therefore the learned single Judge has committed an error in allowing the writ petitions relying on the judgment of the Division Bench in connection with S.4(1) notification.

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



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8. 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. The respective learned counsels appearing on behalf of the private respondents Mr.V.Manohar, Mr.L.G.Sahadevan, Mr.L.Chandrakumar, Mr.A.S.Ragul Adhithya, Ms.P.T.Ramadevi would submit 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. Contra decision would be violative of Article 14 and 21 of the Constitution of India and therefore the learned single Judge considered the judgment of the Division Bench of this Court and quashed the acquisition proceedings in respect of lands to an extent of 83.29 acres. Therefore the writ appeals are to be rejected.

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 possession vest with the private respondents and symbolic possession would be insufficient. Therefore, the learned single Judge has considered all these aspects elaborately and therefore the writ appeals are to be rejected.

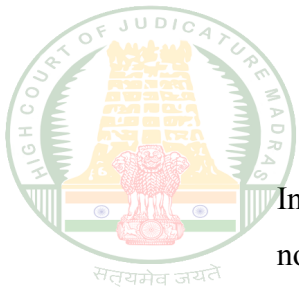
10. This Court considered the arguments as advanced between the parties to the lis on hand.



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11. 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. 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.

12. 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.



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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 batch of 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 batch of writ appeals. Even after granting exemption to a larger extent, the land 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 as raised on behalf of the private respondents would have no application.

13. 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 batch of 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.

14. 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,



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in view of the fact 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.

15. 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 respectively, passed in the writ petitions are set aside and the writ appeals are allowed. Consequently, C.M.P.Nos.1606, 1911, 1922, 1924, 3768, 30125, 30126, 30124, 30130, 30127, 30129, 30131, 30132, 30134, 30135, 30137, 30136, 30138, 30139, 30141, 30140, 30142, 30143, 30144, 30145, 30146, 30148, 30149, 30150, 30151, 30152, 30153, 30155, 30156, 30154, 30157, 30160, 30161, 30162, 30163, 30164, 30165, 30166, 30167, 30168, 30174 of 2024, 4285, 4321, 4733, 4734, 4736, 4742, 4762 of 2025 are closed. No costs. "

7. In the light of the above said order passed by the Division Bench of this Court, the impugned orders dated 18.11.2021 and 07.01.2022 passed in the respective writ petitions are set aside and the writ appeals in W.A.Nos.1659, 1716, 1721, 1725, 1727, 1730, 1731, 2086, 2087, 2088, 1063, 1626, 1628, 1629 and 1817 of 2025 are allowed. Consequently, connected miscellaneous



petitions are closed. There shall be no order as to costs.

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(J.NISHA BANU J.)

(M.JOTHIRAMAN J.)

07-07-2025

mst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The District Collector, Thiruvallur District,
Thiruvallur.
3. The Tahsildar, Tamil Nadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai - 035.

**J.NISHA BANU, J.,
AND
M.JOTHIRAMAN, J.**



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W.A.Nos.1659 of 2025 etc.. ba



Mst

W.A.Nos.1659 of 2025 etc. batch

07.07.2025