



WEB COPY

WA.No.1240 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

WA.No.1240 of 2025
and
CMP.No.9405 of 2025

1. S.Valliammai
2. S.Eswari ... Appellants

Vs.

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

2. The Chairman,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam,
Chennai – 600 035.

3. The Special Tahsildar,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Coimbatore. ... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 18.11.2019 passed in W.P.No. 15974 of 2012 on the file of this Court and allow the Writ Appeal.



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WA.No.1240 of 2012



For Appellant

: Mr.T.N.Rajagopalan

For Respondents

: Mr.Vadivelu Deenadayalan
Additional Government Pleader for R1

:Mr.M.Arunkumar, Standing Counsel
for R2 and R3

JUDGMENT

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

Under assail is the order dated 18.11.2019 passed in W.P.No.15974 of 2012.

2. Admittedly, the subject property was acquired for public purposes by the Government by issuing Notification under Section 4(1) of the Land Acquisition Act vide G.O.Ms.No.47, Housing and Urban Development Department dated 05.02.1992. The notification was published in the Tamil Nadu Government Gazette on 16.04.1993. The declaration was issued vide G.O.Ms.No.298 dated 15.04.1993 and was published in Tamil Nadu Government Gazette on 16.04.1993. The process of acquisition completed in all respects.

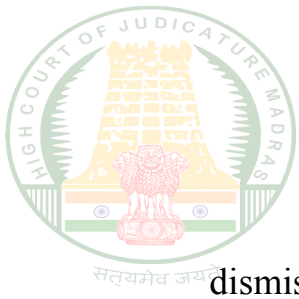


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3. Admittedly, the appellants are the subsequent purchasers who purchased the acquired land in the year 2005. Thus, the sale itself become void under the provisions of the Land Acquisition Act. That apart, after completion of acquisition proceedings, the land absolutely vest with the Government. The land acquired can be utilised for any public purposes. Thus, the subsequent purchase of the acquired land by the appellants is void *ab initio* and therefore, the appellants cannot seek any right.

4. The learned Counsel appearing on behalf of the appellants would submit that the Government has issued certain schemes. Therefore, the appellants may be permitted to submit a representation which is to be considered by the Government.

5. Such a sympathetic approach in respect of land acquisition proceedings would result in miscarriage of justice. Misplaced sympathy in such matters cannot be shown by the High Court in writ proceedings. That being the scope of judicial review under the Constitution, any such relief would cause prejudice to the public interest.



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6. The learned single Judge has considered the issues and dismissed the writ petition mainly on the ground that the subsequent purchaser have no *loco standi* to challenge Section 4(1) notification issued in the year 1992.

7. This Court do not find any infirmity in respect of the writ order impugned and consequently, the Writ Appeal stands dismissed. No costs. Connected miscellaneous petition is closed.

[S.M.S,J.] [K.R.S,J.]
22.04.2025

veda

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

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