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W.P.No.10207 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM:

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

W.P.No.10207 of 2019
and W.M.P.No.10767 of 2019

G.Premil

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented by the Secretary to Government
Housing and Urban Development Department,
Fort.St.George,
Chennai-600 009.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Declaration, to declare the land acquisition proceedings initiated by the Respondents under “The Land Acquisition Act”, 1894 (Central Act 1/1894) got lapsed and unenforceable in terms of Section 24(2) of the “Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013” in respect of the land in R.S.No N3/2-2 to 7 and 3/1 and 2 Nagerkoil village, Agastheeswaram Taluk kanyakumari District measuring an extent of 31 cents.



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For Petitioner : Mr.K.Govi Ganesan
For R1 : Mr.S.Rajesh
Government Advocate
For R2 : Mr.A.M.Ravindranath Jeyapal
Standing Counsel

ORDER

This writ petition has been filed to declare the land acquisition proceedings initiated by the Respondents under “The Land Acquisition Act”, 1894 (Central Act 1/1894) got lapsed and unenforceable in terms of Section 24(2) of the “Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013” in respect of the land comprised in R.S.No N3/2-2 to 7 and 3/1 and 2 Nagerkoil village, Agastheeswaram Taluk kanyakumari District ad-measuring 31 cents.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The first respondent issued a notification under Section 4(1) of the Land Acquisition Act (herein after called as “the old Act”) to acquire the land to an extent of 1.84.34.184 hectares at Nagercoil Village for the purpose of forming a Neighborhood Scheme for the Tamil Nadu Housing Board. Accordingly, the land owned by the petitioner's family members in S.No.N3/2-



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227 and 3-1 and 2 situated at Nagercoil, Agastheeswaram Taluk, Kanyakumari

was also acquired and the Award has been passed. The only contention raised by the petitioner is that the compensation amount was not paid and the possession of the subject property has not been taken over so far. Therefore, the entire land acquisition proceeding has to be declared as lapsed under Section 24(2) of the “Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013” (herein after called as “the New Act”). The petitioner also submitted that some of the land owners challenged the acquisition proceedings and they had succeeded before this Court in W.P.No.21216 of 1994.

4. The learned counsel for the petitioner submits that even according to the respondents, it is not stated in the counter that when the possession of the subject property was taken over? and when the deposit was made before the Court?. Further, after passing the Award, the petitioner was never tendered by the respondents to receive the compensation amount as contemplated under Section 12(2) of the old Act. The compensation amount was also not deposited before any Court.

5. A perusal of the counter filed by the second respondent and also on the



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submissions made by the learned Standing Counsel appearing for the second respondent revealed that the petitioner owned a property comprised in T.S.No.N3/2-227 alone. In respect of the property comprised in S.Nos.3/1 and 2, it is not owned by the petitioner. Further, the Award has been passed in respect of the property comprised in S.No.N3/2-227 to an extent of 0.12.42.670 hectares ie.,equivalent to 31 cents. However, the petitioner's father one Gambeerazhagan or his mother Swarnalatha @ Indira who were the original owners of the property and the persons interested over the property one Muthukaruppa Pillai S/o Subramania Pillai submitted a petition. But they did not make any statement before the Land Acquisition Officer. They had stated only the value of the land. However, they failed to produce any documentary evidence in support of their claim in respect of compensation. Further, they also failed to appear for the Award enquiry or send any representation. Further, there is no ridges in the land to ascertain the actual area of the land enjoyed by each. The subject land is under the enjoyment of the said persons jointly. No separate patta or sub divisions for each of them owned. Hence, the entire award amount of compensation of Rs.84,038/- has been deposited before the Sub Court, Nagercoil under Section 13(2) of the old Act. As the land owners have claimed higher compensation, a reference under Section 18 of the old Act was



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made before the Sub Court, Nagercoil. The compensation amount has been deposited in LAOP.No.28 of 1995 on 13.06.1995, on the file of the Sub Court, Nagercoil. Insofar as the possession of the subject property is concerned, the subject land was handed over to the second respondent on 20.02.1995.

6. Though the learned counsel for the petitioner vehemently contended that the Town Survey Land Register stands in the name of the petitioner's family, the learned Standing Counsel for the second respondent produced photographs to show that the subject land is lying vacant with tress and bushes. It shows that the possession of the property was already taken over by the second respondent and it is kept vacant. In respect of the adjacent land, the land acquisition proceeding is under challenge and it is pending. After passing the Award, the notice was also served under Section 12(2) of the old Act. However, the petitioner and his family members failed to come forward to receive the award amount. That apart, they jointly enjoyed the property without any sub division. Hence, the compensation amount was rightly deposited before the Sub Court, Nagarcoil as contemplated under Section 30 and 31(2) of the old Act. Therefore, the petitioner failed to fulfill the twin conditions to attract the provisions under Section 24(2) of the new Act to declare the entire acquisition



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proceeding is lapsed.

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7. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

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Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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To

1. The Secretary to Government
Housing and Urban Development Department,
The State of Tamil Nadu,
Fort.St.George,
Chennai-600 009.
2. The Chairman,
Tamil Nadu Housing Board,
Anna Salai,
Nandanam, Chennai-600 035.



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G.K.ILANTHIRAIYAN. J.

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