



W.P.No.10305 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10305 of 2019

and W.M.P.Nos.10855, 10859 of 2019 and W.M.P.No.12601 of 2024

1. N.Palanisamy Gounder
2. Pavayammal

... Petitioners

-Vs-

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-9.
2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Anna Salai, Chennai-35.
3. The Special Tahsildar,
(Land Acquisition),
Neighbourhood Scheme,
Erode.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the entire records relating to the impugned U/s.4(1) notification in G.O.Ms.No.869, Housing and Urban Development Department, dated 27.05.1991 and subsequently issued notification U/s.6 Declaration of Land Acquisition Act in G.O.Ms.No.497, Housing and Urban Development Department, dated 03.08.1992 issued by the first respondent and quash the same, since as per U/s.24(2) of Right to Fair



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Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) the entire acquisition proceedings become lapsed.

For Petitioners : Mr.C.Prakasam
For R1 and R3 : Mr.N.Naveen Kumar
Government Advocate
For R2 : Mr.J.Pachiyappan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the notification in G.O.Ms.No.869, Housing and Urban Development Department, dated 27.05.1991 issued under Section 4(1) of the Land Acquisition Act (herein after called as “the Act”) and under Section 6 Declaration in G.O.Ms.No.497, Housing and Urban Development Department, dated 03.08.1992 as per Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).

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

3. The petitioners owned land comprised in S.No.479/1 to an extent of 1.04.0 hectares and S.No.480/1 to an extent of 0.50.0 hectares at Erode. The petitioners are cultivating the said land by various agricultural crops. While



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being so, in the year 1991, the second respondent resolved to acquire vast extent

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of lands for the purpose of constructing houses. Accordingly, the District Revenue Officer, issued a notification under Section 4 of the Act for acquiring the land ad-measuring 789.52 acres, on 16.05.1990. Thereafter, the enquiry was conducted under Section 5(a) of the Act, on 10.10.1991. Thereafter, the draft declaration under Section 6 of the Act was approved by the Government by way of G.O.Ms.No.497 Housing and Urban Development Department dated 03.08.1992. Thereafter, the draft direction under Section 7 of the Act was also approved by the Government and this was published in the Tamil Nadu Government Gazette dated 31.03.1993. Thereafter, the Award enquiry was conducted and passed an Award in Award No.5/94 dated 03.08.1994. The compensation amount of Rs.2,98,588/- insofar as the land comprised in S.No.479/1 and sum of Rs.77,129/- insofar as the land comprised in S.No.480/1, as per the Award dated 03.08.1994 in Award No.5/94 was deposited in the Court as contemplated under Section 30 and 31 of the Act.

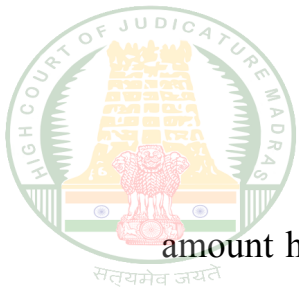
4. Though the petitioner had already challenged the entire acquisition proceedings in W.P.No.12423 of 1994, the same was dismissed on 05.06.2000, which was also confirmed by the Hon'ble Division Bench of this Court in W.A.No.1250 of 2001 dated 14.08.2001. However, the adjacent land owners



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approached this Court challenging the land acquisition proceedings, on the ground that there was no prior approval obtained by the third respondent. Those writ petitions were allowed by this Court. That apart, some of the land owners approached the first respondent for exclusion of their respective lands comprised in S.No.477/6, 477/7 and 479/5, Erode and their representations were considered and their lands were excluded from the acquisition proceedings. In fact, subsequently the petitioner also submitted a representation and the same was also rejected by an order dated 30.09.2021, on the file of the first respondent. In the meanwhile, this writ petition has been filed, on the ground that as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (herein after called as “the New Act”), the Award has been passed five years prior to the commencement of the New Act. But the physical possession of the subject land has not been taken over and the compensation amount was also not paid to the petitioners. Therefore, the entire acquisition proceeding shall be deemed to have lapsed.

5. A perusal of the counter filed by the second respondent and on the submissions made by the learned Standing Counsel appearing for the respondent revealed that already the Award has been passed and the Award

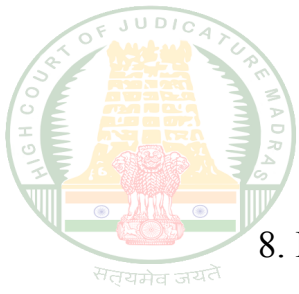


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amount has been deposited in the Court. However, so far, the petitioners were not paid any compensation. Insofar as the possession is concerned, even till today, the petitioners are in possession and enjoyment of the said land and cultivated the said land.

6. The learned counsel for the petitioner also produced the tax receipt for the subject land. Therefore, the petitioner specifies this Court, insofar as the twin conditions as contemplated under Section 24(2) of the New Act to declare the entire land acquisition proceeding as lapsed. There is no records to show that the subject lands were already taken possession by the second respondent and also there is no record to show that the petitioners were paid compensation.

7. Considering the overall circumstances, the entire acquisition proceeding cannot be sustained and are liable to be quashed. Accordingly, impugned U/s.4(1) notification in G.O.Ms.No.869, Housing and Urban Development Department, dated 27.05.1991 and subsequently issued notification U/s.6 Declaration of Land Acquisition Act in G.O.Ms.No.497, Housing and Urban Development Department, dated 03.08.1992 issued by the first respondent are hereby quashed.



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8. In the result, this writ petition stands allowed. Consequently, connected

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Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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To

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G.K.ILANTHIRAIYAN. J.

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