



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

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**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 2493 of 2023
AND
WA NO. 1256 OF 2024**

1. Jayachitra

Appellant(s)

Vs

1. The Secretary

Government of Tamil Nadu,
Land Administration Department,
Fort St.George, Chennai 009.

2.The Joint Secretary to Government
Labour and Development Department,
Fort St.George, Chennai 009.

3.The Collector
Chengalpattu,
Kancheepuram Dist.

4.The Revenue Division Officer
Chengalpattu.

5.The Managing Director
Adayar Anandha Bhavan,
Adayar, Chennai 020.



6.The Tamil Nadur Labour Welfare
Board
Rep by the Administrative Officer,
Secretary, DMS Complex,
Teynampet, Chennai 006.

Respondent(s)

WA No. 1256 of 2024

1. Adyar Ananda Bhavan Sweets India Pvt Ltd
Rep by its Director, No.9, M.G. Road, Shastri Nagar,
Adyar, Chennai – 600020.
[Cause title accepted, vide order dated
14.03.2024 in CMP.No.5844/2024
in WA.Sr.No.17970/2024]

Appellant(s)

Vs

1. Jayachitra
No.9A, Lynwood Lane,
Mahalingapuram, Chennai - 600 034.

2.The Secretary
Government of Tamil Nadu,
Land Administration Department,
Fort St. George, Chennai -600 009.

3.The Joint Secretary To Government
Labour and Development Department,
Fort St. George, Chennai - 600 009.

4.The Collector
Chengalpattu, Kanchipuram District.

5.The Revenue Division Officer



Chengalpattu.

6.Tamil Nadu Labour Welfare Board

Rep. by the Administrative

Officer/Secretary, DMS Complex,

Teynampet, Chennai - 600 006.

Respondent(s)

WA No. 2493 of 2023

PRAYER

To set aside the order passed by the learned Judge of this Honourable Court in WP.No.21681/2011 dated 18.11.2022 and allow the writ appeal and pass such other further orders as may be necessary and thus render justice.

WA No. 1256 of 2024

PRAYER

To set aside the order dated 18.11.2022 passed in WP.No. 21681/2011 in so far as to the directions to the 2nd Respondent herein to hold enquiry u/s 16A and 16B of the Land Acquisition Act 1894 as amended by Tamil Nadu Act 16/1997 for the purpose of resumption of land and consequently allow the present Writ Appeal.

WA No. 2493 of 2023

For Appellant(s): Mr.V.Raghavachari,
Senior Counsel
For By Ms.V.Srimathi

For Respondent(s): Mr.Vadivelu Deenadeyalan
Additional Government Pleader For R1-4
Mr.Richard Wilson For
M/s.P.Wilson Associates For R 5
Na- R6.

WA No. 1256 of 2024

For Appellant(s): Mr.Richard Wilson For
M/s.P.Wilson Associates

For Respondent(s): Mr.V.Raghavachari,
Senior Counsel
For By Ms.V.Srimathi FOR r1
Mr.Vadivelu Deenadeyalan
Additional Government Pleader for R2-5
NA-R6

**COMMON ORDER****(Order of the Court was made by S.M.Subramaniam J.)**

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Two intra-court appeals have been instituted, one by writ petitioner in W.A.No.2493 of 2023, and 5th respondent/Adyar Ananda Bhavan Sweets India Pvt Ltd has filed W.A.No.1256 of 2024. Since both writ appeals have been instituted challenging common writ order impugned dated 18.11.2022, present writ appeals are heard together.

2. Appellant in WA.No.2493 of 2023 filed writ petition to issue a writ of mandamus directing the respondents 1 to 4 to transfer lands to an extent of 0.72 cents comprised in Survey No.120/1C, Old Mahalingapuram Village, Kanchipuram District, in favour of petitioner. Lands were acquired by Government for public purposes in 1976. Writ petition has been instituted in the year 2011, seeking transfer of lands. In the context of the relief sought for in the writ petition, it would be relevant to consider the following facts.

3. Government acquired 3.95 acres of land in Survey No.120/1C, Mamallapuram Village, Chengalpet Taluk, and an award was passed in Award No.2/1977-78 dated 31.03.1978. Lands were acquired for construction of Holiday Home for the benefit of labourers by Tamil Nadu Labour Welfare Board by following statutory requirements under Labour Acquisition Act. Acquired land originally belonged to one Thiru.Aravamudhan, Tmt.Booma Narayanan and Tmt.Jayachitra (appellant in WA.No.2493 of 2023). Lands



acquired were utilised for construction of Holiday Homes, which is not disputed.

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4. Mr.V.Raghavachari, learned Senior Counsel, appearing on behalf of the appellant in WA.No.2453 of 2023, would submit that compensation is yet to be paid to the land owners. Portion of the land alone has been utilised for construction of Holiday Home for the benefit of labour board. Lands acquired were misutilised and leased out in favour of 5th respondent for running a restaurant. Therefore, erstwhile owners are entitled to seek re-conveyance of land under Section 48B of Land Acquisition Act, 1894.

5. In this context, learned Senior Counsel would solicit the attention of this Court with reference to the provisions of the Land Acquisition Act, 1894 and contended that the lands acquired are not utilised in entirety and compensation has not been paid. Thus, lands do not vest with the Government. That apart, procedures as contemplated under the Land Acquisition Act were not followed. For all these reasons, the writ appeal is to be allowed.

6. Per contra, learned counsel appearing on behalf of the appellant in W.P.No.1256 of 2024 would oppose by stating that the appellant Adyar Ananda Bhavan Sweets India Pvt Ltd is a licence holder possessing a valid licence to run restaurant for the benefit of the inmates in the Labour Board



Holiday Home. Therefore, it cannot be construed as illegal grant of licence for running a restaurant. That apart, the land acquisition proceedings were concluded in the year 1976, and the lands acquired absolutely vest with the Government. Belated claim now set out by the appellant in the W.a.No.2493 of 2023 deserves no merit consideration.

7. This Court has considered the rival submissions made by the parties to the lis on hand.

8. Land acquisition process commenced in the year 1976 and an award was passed in Award No.2/1977-78 dated 31.03.1978. The facts with reference to the acquisition proceedings are narrated by the Writ Court in Paragraph No.8, which reads as under,

“8) The 2nd respondent has filed a counter affidavit pointing out that an extent of 3.95 acres in S.No.120/1C etc., in Mamallapuram Village was acquired for the construction of Holiday Home for the benefits of labourers by the Labour Welfare Board Following statutory requirements. It is stated that the entire amount of compensation payable to the land owners were fixed and that a sum of Rs.26,476/- for the acquired land was deposited. It is stated that possession of the land was handed over to the Public Works Department for the purpose of constructing a Holiday Home on 16.12.1976. Public Works Department has constructed the Holiday Home and the said Home was inaugurated on



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13.06.1988. It is seen that 10 two bedded rooms and 2 six bedded rooms and one huge room with 12 beds were constructed at a cost of Rs.22,72,023/- by the Government. Since the land which has been acquired, has been handed over to the Requisition Department and the Requisition Department has fully utilised the land, the 2nd respondent has taken a stand that the petitioner cannot have a claim over the land which was acquired by the Government indicating that the land is also used by the 6th respondent for other purposes. However, it was indicated by the 2nd respondent that the 5th respondent was given a substantial portion of the acquired land for the Restaurant established by the 5th respondent. It is also stated that running of the Restaurant by the 5th respondent is very much required in the interest of the 6th respondent.”

9. Appellant in WA.No.2493 of 2023 has not filed writ petition under Section 24(2) of Land Acquisition Act, 2013. The writ relief sought for is to transfer the acquired lands in favour of appellant. Once land acquisition proceedings concluded by passing an Award, land absolutely vest with Government.

10. In the present case, possession had been taken long before, and Labour home was constructed for the benefit of labour department. Once lands vested with Government, writ petition filed seeking the relief to transfer acquired land would not arise at all. Re-conveyance of the acquired lands



under Section 48B of the Land Acquisition Act, 1894, is the discretion vest with the Government, and it is the prerogative of Government to re-convey the land, if such lands are not used or there is no proposal to use for any other public purposes. Such a situation has not arisen in the present case, since lands were handed over to the Labour department, and Labour Board constructed a Holiday Home for the benefit of the labourers.

11. Admittedly, acquisition proceedings commenced in the year 1976, and Award passed in the year 1978-79. Acquired lands are utilised by labour department. If at all, grant of license to run a restaurant is found to be irregular, it is for the competent authority to conduct an enquiry and to initiate appropriate action. Contrarily, an erstwhile owner cannot seek transfer of land already acquired and utilised.

12. As far as the present case is concerned, it is a stale claim set out after a lapse of more than 4 decades. Such stale claims made for transfer of acquired lands or to reconvey the land cannot be considered in exercise of powers of judicial review under Article 226 of Constitution of India.



13. That being the factum, this Court does not find any reason to interfere with the writ order impugned in WP.No.21681/2011 dated 18.11.2022.

Consequently, the writ appeals are dismissed. No costs. The connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)
03-11-2025

gd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

WA No. 2493 of 2023

To

1.The Secretary
Government of Tamil Nadu, Land
Administration Department, Fort
St.George, Chennai 009.

2.The Joint Secretary to Government
Labour and Development
Department, , Fort St.George, Chennai
009.

3.The Collector
Chengalpattu, Kancheepuram Dist.

4.The Revenue Division Officer
Chengalpattu.

5.The Managing Director
Adayar Anandha Bhavan, Adayar,
Chennai 020.



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WA No. 1256 of 2024

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1.JAYACHITRA
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WA No. 2493 of 2023



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