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W.P.Nos. 34711, 34662, 3560 & 6249 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM

THE HONOURABLE Mr. JUSTICE G.K. ILANTHIRAIYAN

W.P.Nos. 34711, 34662, 3560 & 6249 of 2016

and

WMP.Nos.2925, 29858, 29859, 5579, 5580, 29896 & 29897 of 2016

[W.P.No.34711 of 2016]

A.Venugopal

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.

2.The Tamil Nadu Housing Board,
Rep. by its Chairman,
Nandanam, Chennai.

3.The Special Tahsildar,
(Land Acquisition),
Tamil Nadu Housing Board Scheme,
Thirumangalam, Chennai-600 101.

4.The Director,
Town and Country Planning Office,
Chengalpattu Zone,
No.124, G.S.T.Road, Chengalpattu-603 001.

... Respondents



W.P.Nos. 34711, 34662, 3560 & 6249 of 2016

PRAYER in W.P.No.34711 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for records pertaining to Land Acquisition Proceedings in the impugned G.O.No.680 dated 17.07.1989, Housing Board and Urban Development Department, on the file of the 1st respondent and quash the same and consequently direct the 2nd and 3rd respondents to re-convey the petitioners land situated in No.241, Alapakkam Village in Taluk of Chengalpattu to the extent of 0.42 cents in Survey No.73 Punjai land to the petitioner (original owner) and direct the 4th respondent to pay fine to this Honourable Court for his impugned approval Na.Ka.No.12/2015 dated 24.03.2015.

For Petitioner : Mr.M.Dharanidharan

For Respondents : Mr.S.Rajesh, Govt. Advocate
for R.1, R.3 & R.4.

: Mr.P.Kumaresan, AAG, assisted by
Mr.A.M.Ravindranath Jeyapal, SC
for R.2.

[W.P.No.34662 of 2016]

G.Kothandaraman

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.

2.The Tamil Nadu Housing Board,
Rep. by its Chairman,
Nandanam, Chennai.



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3. The Special Tahsildar,
(Land Acquisition),
Tamil Nadu Housing Board Scheme,
Thirumangalam, Chennai-600 101.

4. The Director,
Town and Country Planning Office,
Chengalpattu Zone,
No.124, G.S.T.Road, Chengalpattu-603 001.

... Respondents

PRAYER in W.P.No.34662 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for records pertaining of Land Acquisition Proceedings in the impugned G.O.No.680 dated 17.7.1989, Housing Board and Urban Development Department, on the file of the 1st respondent and quash same and consequently direct the 2nd and 3rd respondents to re-convey the petitioners land situated in No.241, Alapakkam Village in Taluk of Chengalpattu to the extent 35 cents in Survey No.72/1, 72/2A Punjai land to the petitioner (Original Owner) and to direct the 4th respondent to pay fine to this Honourable Court for his impugned Na.Ka.No.12/2015 dated 24.03.2015.

For Petitioner : Mr.M.Dharanidharan

For Respondents : Mr.S.Rajesh, Govt. Advocate
for R.1, R.3 & R.4.

: Mr.P.Kumaresan, AAG, assisted by
Mr.A.M.Ravindranath Jeyapal, SC
for R.2.



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[W.P.No.3560 of 2016]

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K.Bhuvaneswari

... Petitioner

Vs.

1.The Government of Tamilnadu
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009

2.The Land Acquisition Officer and
The Special Tahsildar,
Land Acquisition VII Unit II,
Tamilnadu Housing Board Scheme,
Arignar Anna Shopping Complex,
VII Avenue, Thirumangalam, Anna Nagar,
Chennai

3.The Chairman
Tamilnadu Housing Board,
Nandanam, Chennai-600 035

... Respondents

PRAYER in W.P.No.3560 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Declaration, declaring that the land acquisition proceedings in respect of the property comprised in Survey No. 67 measuring an extent of 0.72 cents and in Survey No.68/1 and 68/2 measuring an extent of 0.69 cents totaling to 1 Acres 41 Cents situate in Alapakkam Village, Chengalpattu Taluk, Kancheepuram District respectively as having lapsed by virtue of section of 24(2) of The Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013.



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For Petitioner : Mr.V.R.Kamalanathan

For Respondents : Mr.S.Rajesh, Govt. Advocate
for R.1 and R.2.

: Mr.P.Kumaresan, AAG, assisted by
Mr.A.M.Ravindranath Jeyapal, SC
for R.3

[W.P.No.6249 of 2016]

Nagammal
rep. by her Power of Attorney,
Mr.M.K.Prakash Chand

... Petitioner

Vs.

1 The Deputy Secretary to Government,
Government of Tamilnadu,
Housing and urban Development Department,
Fort St. George, Chennai-60009

2.The Tamilnadu Housing Board
rep. by its Chairman,
Nandanam, Chennai

3.The Special Tahsildar
(Land Acquisition)
Tamilnadu Housing Board Scheme,
Thirumangalam, Chennai-600101

... Respondents

PRAYER in W.P.No.6249 of 2016: Writ petition filed under Article 226
of the Constitution of India praying for issuance of a writ of Certiorarified



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Mandamus, calling for records pertaining of Land Acquisition proceedings in the impugned G.O.No.680, dated 17.7.1989, Housing Board and urban Development Department, on the file of the 1st respondent and quash the same and consequently direct the 2nd and 3rd respondents to re-convey the petitioners land situated in No.241, Alapakkam Village In Taluk of Chengalpattu to the extent of 0.29.0 (52.5 cents) in Survey No.68/4, Manavari land to the petitioner (Original Owner).

For Petitioner : Mr.M.Dharanidharan

For Respondents : Mr.S.Rajesh, Govt. Advocate
for R.1 & R.2.

: Mr.P.Kumaresan, AAG, assisted by
Mr.A.M.Ravindranath Jeyapal, SC
for R.3.

COMMON ORDER

W.P. Nos. 34711, 34662, and 6249 of 2016 have been filed, challenging the land acquisition proceedings dated 17.07.1989 on the file of the 1st respondent and seeking consequential directions to respondents 2 and 3 to re-convey the petitioners' lands comprised in S.No.73, 72/1, 72/2A and 68/4 measuring an extent of 0.42, 35, and 0.29 cents respectively situated in Alapakkam Village, Chengalpattu Taluk which were acquired under the said proceedings.



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2. **W.P.No. 3560 of 2016** has been filed for a declaration declaring that the land acquisition proceedings in respect of the property comprised in Survey No. 67 measuring an extent of 0.72 cents and in Survey No.68/1 and 68/2 measuring an extent of 0.69 cents totalling to 1 Acres 41 Cents situate in Alapakkam Village, Chengalpattu Taluk, Kancheepuram District respectively as having lapsed by virtue of section of 24(2) of The Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 [hereinafter referred to as “New Act”].

3. According to the petitioners, they are the owners of the subject lands. The Special Tahsildar, (Land Acquisition), Tamil Nadu Housing Board Scheme, Thirumangalam, (the 3rd respondent in W.P. Nos. 34711, 34662, and 6249 of 2016 and the 2nd respondent in WP.No.3560 of 2016) issued notification under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as “Old Act”) on 17.07.1989 to acquire the subject lands along with the adjoining lands for the purpose of constructing the Plots under the Housing Board Scheme. After following the procedures as contemplated under the Old Act, the Special Tahsildar, (Land Acquisition), Tamil Nadu Housing Board Scheme, Thirumangalam ultimately passed an Award in the year 1992. However, the petitioners did not receive



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compensation for their respective lands. Therefore, the award amount was deposited in the Civil Court under Section 30 and 31 (2) of the Old Act.

Some of the landowners challenged the acquisition proceedings by way of Writ Petitions. All the Writ Petitions were dismissed and the petitioners therein were granted an opportunity to submit representations for re-conveyance of their respective lands. However, the said requests were also rejected.

4. The learned counsel for the petitioner in WP.No.3560 of 2016 submitted that the petitioner therein is in possession and enjoyment of the subject property till date. Even after passing an award, the petitioner is paying tax for the said property. Therefore, the possession of the subject property has not been taken over and also the petitioner was not paid compensation so far. He further submitted that the Writ Petition which was filed challenging the rejection of the request made for re-conveyance is also pending before this Court. However, the case bundle was misplaced and as such the petitioner filed the present Writ Petition to declare the entire land acquisition proceedings as lapsed by invoking the provisions of Section 24(2) of the New Act on the grounds that the petitioner is in possession and enjoyment of the subject property, however the physical



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possession of the property has not been taken over so far and no compensation has been paid for acquiring the subject land.

5. In so far as the other Writ Petitions are concerned, the petitioners therein have challenged the very land acquisition proceedings dated 17.07.1989 on the ground that the compensation amount has not been paid to them.

6. The learned Advocate General Mr.P.Kumaresan submitted that the provisions of Section 24(2) of the New Act are not at all applicable to the present Writ Petitions. He further submitted that possession of all the subject lands had already been taken and the compensation was also deposited into the Court as contemplated under Sections 30 and 31(2) of the Land Acquisition Act.

7. The present Writ Petitions have been filed in the year 2016, in any event, after the Award was passed, challenging the acquisition notice or any proceedings thereunder. It is well-settled law that when there is an inordinate delay in filing the writ petition and when all steps taken in the acquisition proceedings have become final, the Court should be loath to



quash the notifications. Though this Court has discretionary powers under Article 226 of the Constitution to quash the notification under Section 4(1) and declaration under Section 6 of the Old Act, however, it should be exercised by taking all relevant factors into pragmatic consideration. In the present Writ Petitions, since the award was passed and possession was taken, the Court should not exercise its power to quash the entire acquisition proceedings.

8. Further, in order to invoke provisions under Section 24(2) of the New Act, the petitioners shall satisfy the twin conditions as contemplated under Section 24(2) of the New Act. However, the petitioners failed to satisfy the twin conditions to attract the provisions under Section 24(2) of the New Act.

9. Section 24(2) of the New Act contemplates pending proceedings and not the concluded ones in which possession has been taken and compensation has been paid or deposited. However, Section 24 does not provide an arm or tool to question the legality of proceedings, which have been undertaken under the Old Act and had concluded five years or more prior to the commencement of the New Act. A lapse of acquisition



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proceedings under Section 24(2) occurs only where neither possession of the land has been taken nor compensation has been paid. In case possession has been taken, and compensation has not been deposited with respect to the majority of landholdings, the beneficial provision of the statute provides that all beneficiaries shall be paid compensation as admissible under the New Act.

10. Further, the Hon'ble Supreme Court of India in the case of ***Indore Development Authority Vs. Manoharlal*** reported in **(2020) 8 SCC 129**, held that the provisions contemplated under Section 24(2) of the New Act does not give rise to a new cause of action to question the legality of concluded proceedings of land acquisition. It applies to a proceeding pending on the date of enforcement of the New Act i.e. 01.01.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of the mode of taking possession to reopen proceedings or the mode of deposit of compensation in the treasury instead of court to invalidate acquisition proceedings.



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11. In the above cases, the Award itself was passed in the year 1992 and the Award amount was already deposited into the concerned Court.

Therefore, in any case, the entire acquisition proceedings are not termed as lapsed since the two primordial conditions to invoke the provisions of Section 24(2) are not satisfied by the petitioners.

12. In view of the above discussions, these Writ Petitions fail and are accordingly dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

22.09.2025

Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No
(shr)



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To

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1.The Secretary,
Housing and Urban Development Department,
Government of Tamilnadu,
Fort St. George, Chennai-600 009

2.The Land Acquisition Officer and
The Special Tahsildar,
Land Acquisition VII Unit II,
Tamilnadu Housing Board Scheme,
Arignar Anna Shopping Complex,
VII Avenue, Thirumangalam, Anna Nagar,
Chennai

3.The Chairman
Tamilnadu Housing Board,
Nandanam, Chennai-600 035



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G.K. ILANTHIRAIYAN. J.,

(shr)

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