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W.A.No.2206 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.11.2025

PRONOUNCED ON : 17.12.2025

CORAM

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

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1. The State Of Tamilnadu
Rep by the Secretary to Government,
Adi Dravida welfare Department,
Fort St.George, chennai-600 009 and
2 Others

2. The District Collector
Tiruvannamalai, T.S.District.

3. The Special Tahsildar
Land Acquisition, Adi Dravidar
welfare, Polur, T.S.District

Appellant(s)

Vs

1. K.R.Lakshminarasimhan

Respondent(s)

PRAYER

Writ Appeal has been instituted under Clause 15 of the Letters Patent, Writ Appeal has been instituted under Clause 15 of the Letters Patent, To set aside the Order dated 13.12.2021 made in WP.No.13630 of 2021.



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For Appellant(s): Mr.P.Arunkumar
Additional Government
Pleader

For Respondent(s): Mr.M.S.Krishnan
Senior Counsel
for Mr.M.Sriram

JUDGMENT

S.M.Subramaniam,J.

Present Intra-Court Appeal has been instituted to assail the writ order dated 13.12.2021 in WP.No.13630 of 2021.

I.FACTUAL MATRIX:

2. State preferred present appeal mainly on the ground that subject land was acquired to provide free house sites to houseless poor Adi Dravidars under Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (hereinafter referred to as “Act”). Acquired land was sub-divided as Survey No.256/1 out of the patta lands of respondent and classified as “Adi Dravidar Natham”, and house site pattas were given to 86 Adi Dravidar people, who had no house or house site on 13.11.2007. The process of land acquisition was completed long before. However, present writ petition came to be instituted in the year 2021, pursuant to order passed by Writ Court in W.P.No.36502 of 2007, dated 04.07.2019.



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II. ARGUMENTS OF THE APPELLANT/STATE:

3. Learned Additional Government Pleader would submit that respondent was treated as an absentee pattadar and did not pay land revenue properly for each fasli. According to information gathered in local enquiry, notices were sent to Mr.Chandrasekar and Mr.Kumar, which were returned as “No such person”. Land Acquisition Proceedings have been finalized, as interested parties were ex-parties and an Award was passed on 29.10.2007. Thus, the procedure contemplated under Land Acquisition Act was followed.

ARGUMENTS OF THE RESPONDENT:

4. Learned Senior Counsel appearing on behalf of the respondent would oppose by stating that procedures contemplated under the Land Acquisition Act was not followed. Acquisition was made against respondent without issuing any notice to him. He was presumed as a dead person by the land acquisition officer. Therefore, entire acquisition proceedings ought to be declared as void. Once the acquisition became void, relief granted by Writ Court is in consonance with law.

5. Learned Senior counsel would further submit that respondent is represented by his power holder Mr.C.Balasubramanian, who is his friend. Through him, respondent is agitating the issues before Courts. Respondent



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was considered as a dead person by Land Acquisition Officer. Therefore, he had not participated in land acquisition proceedings. Thus, writ order impugned is to be upheld.

6. Considered the rival submissions made by the parties to the lis on hand.

FINDINGS OF THE COURT:

7. Admittedly, acquisition proceedings were initiated under Harijan Welfare Scheme Act, 1978. Acquisition proceedings were initially commenced in the year 1996. 4(1) notification issued came to be challenged by the respondent herein in W.P.No.4977 of 1998. The said notification was quashed by Writ Court in order dated 05.12.2003. Thereafter, acquisition proceedings were initiated and respondent received a notice on 31.07.2000 in Form No.1, under Rule 3(i) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Rules, (hereinafter referred to as "Rules") to appear before the Land Acquisition Officer. At the relevant point of time, respondent was employed in Bangalore and he sent a letter dated 05.08.2000 to Land Acquisition Officer seeking 4 weeks time for submitting his objections. Since 4(1) notification was issued once again afresh, respondent challenged the fresh notification in W.P.No.8862 of 2001. Court passed an order on 10.11.2009, setting aside the acquisition



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proceedings on the ground that principle of natural justice had been violated. Thereafter, a fresh acquisition proceedings were initiated, and a notice was issued in October 2007 addressed to one Mr.Kumar and another by name Mr.Chandrasekaran. On 23.10.2007, attempts were made to serve notices to respondent, which was addressed to said Mr.Kumar and Mr.Chandrasekaran. Such notices were returned.

8. Though the land acquisition officer erroneously presumed that original landowner, Mr. Lakshminarasimhan was no more, notices were issued in the names of Mr.Kumar and Mr.Chandrasekaran. Respondent had challenged notification issued under Section 4(1) of the Act by filing writ petitions. Therefore, the contention of the respondent that Mr. Lakshminarasimhan has no knowledge about the land acquisition proceedings, cannot be trusted upon. Right from the issuance of 4(1) notification, respondent instituted writ proceedings one after another, and Writ Court also quashed land acquisition proceedings twice on the ground that procedures were not followed. Final acquisition proceedings were initiated in the year 2007. The said proceedings also came to be challenged by respondent in W.P.No.36502 of 2007, and an interim injunction of dispossession alone was ordered. Since Government took possession of entire lands and issued house site pattas to landless poor Adidravida eligible persons on 13.11.2007, the said writ petition came to be dismissed



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with a direction to respondent to furnish a copy of the notice under Section 4(2) as well as notification under Section 4(1) of the Act and granted liberty to workout his remedy.

9. Subsequently, writ petition in W.P.No.13630 of 2021 is filed challenging acquisition proceedings in Na.Ka.No.508 of 2007, dated 29.10.2007. Writ Court has allowed the writ petition, mainly on the ground that respondent is very much alive and no statutory notice was served on him under Section 4(1) of the Act and under Rule 5 of the Rules.

DISCUSSIONS:

10. This Court is of the considered view that Act contemplates service of notice to the owner of land or interested person. There could be no two views about the fact that depriving a person of his property without following the procedure contemplated under law would be violative of the constitutional right guaranteed under Article 300A, which provides that no person shall be deprived of his property save by authority of law and also a human right. It is accepted in every jurisprudence and by different political thinkers that some amount of property right is an indispensable safeguard against tyranny and economic oppression of the Government. Jefferson was of the view that liberty cannot long subsist without the support of property. "Property must be secured, else liberty cannot subsist" was the



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opinion of John Adams. Indeed the view that property itself is the seed bed which must be conserved if other constitutional values are to flourish is the consensus among political thinkers and jurists.¹ It may also be relevant to note that there cannot be deprivation of property except in accordance with law. In this regard, it may be relevant to refer to judgment of the Hon'ble Supreme Court in the case of **Jilubhai Nanbhai Khachar v. State of Gujarat**, reported in **1995 Supp (1) SCC 596**, which reads as follows:

“48. ... In other words, Article 300-A only limits the powers of the State that no person shall be deprived of his property save by authority of law. There has to be no deprivation without any sanction of law. Deprivation by any other mode is not acquisition or taking possession under Article 300-A. In other words, if there is no law, there is no deprivation.”

11. However, we are faced with the peculiar situation where though there appears to be infirmities in complying with the procedure under the Land Acquisition Act, the land belonging to the petitioner have been distributed by the State to landless poor Adi Dravidar people and pattas have also been granted to Adi Dravidar people, who in turn have constructed houses. In resolving the above legal impasse, it may be relevant to refer to the judgment of the Hon'ble Supreme Court in the case of **Manash Mohan Chatterjee and another Vs. Y.Ratnakar Rao and others** reported in **(2019) 14 SCC 745**, wherein, in a contempt petition,

¹*Delhi Airtech Services (P) Ltd. v. State of U.P., (2011) 9 SCC 354*
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finding that property of the petitioners therein claimed to have been acquired by the State, on challenge of the same, it was found that petitioners, who were owners of the subject property, had not received any notice of acquisition nor paid compensation by the State. Thus, acquisition was illegal. In such circumstances, restoration of possession to the actual owner was found not possible since the property was transferred by the Government to the Institute of Nuclear Physics and constructions have also been put up. The Apex Court directed the State Government to pass an Award and pay compensation in accordance with law. It may also be useful to refer to the decision of the Supreme Court in the case of **Vidya Devi Vs. State of Himachal Pradesh and others** reported in **(2020) 2 SCC 569**, the respondent State took over the land of the appellant therein without taking recourse to acquisition proceedings or following due process of law. Construction of land was completed in 1975. After rejecting the contention of the State that the appellant therein had orally consented to the acquisition as baseless, State was directed to pay compensation to the owner therein similar to that granted to persons similarly situated, by treating the case as one of “deemed acquisition”.

CONCLUSION:

12. Hence, keeping in view the above approach of the Apex Court in similar circumstances, without going into the question as to the legality or



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otherwise of the acquisition proceedings, in view of the subsequent development, whereby, subject lands had been distributed to Adi Dravidar, who in turn had constructed houses and third party rights have also been created, this Court is inclined to direct the State Government to pay compensation under the 2013 Act by treating it to be a “deemed acquisition”.

13. We direct the State Government to determine compensation in accordance with the 2013 Act within a period of four (4) weeks from the date of receipt of a copy of this order and pay the petitioner compensation so determined within a period of two (2) weeks from the date of such determination.

14. With the above observations, the Writ Appeal is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)
17-12-2025

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

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To

1.The Secretary To Government,
Tamil Nadu Mpunicipal Administration
And Water Supply Department, Fort
St George, Secretariate, Chennai-9

2.The Director,
Ton And Country Planning Authority,
Raj Naidu Stteet, Sivanantha Colony,
Coimbatore.

3.The Commissioner,
Coimbatore City Minicipal
Corporation, Town Hall, Coimbatore.

4.The Member Secretary,
The Local Town Planning Authority,
Raj Naidu Street, Sivanantha Colony,
Coimbatore.

5.The Secretary,
Peelamedu Industrial Workers, Co-
operative House Construction Ltd,
No.2, Ramasamy Naidu Nagar,
Coimbatore-641 035.



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**S.M.SUBRAMANIAM J.
AND
MOHAMMED SHAFFIQ J.**

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