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W.P.No.1927 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2025

CORAM

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

W.P.No.1927 of 2018

and

W.M.P.No. 2412 of 2018

M.Yashodha Bai

.... Petitioner

Vs

1.State rep. by its Secretary,
Housing & Urban Development Department,
Fort St.George,
Chennai – 600 009.

2.Tamil Nadu Housing Board,
Rep. by its Managing Director,
No.33, Anna Salai,
Nandanam, Chennai – 600 035.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Bhagalur Road,
Hosur – 635 109.

4.The Special Tahsildar (L.A),
Hosur Housing Scheme,
Bhagalur Road,
Hosur, Krishnagiri District.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the land



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acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of lands to an extent of 5080 sq.ft. in Survey No.897/3 bearing Plot No.2 (1200 sq.ft.), Plot Nos.7 and 8 (3880 sq.ft) now Sub-divided as Survey No.897/1A-3 of Hosur Town and Taluk, Krishnagiri District, covered by Notification issued under Section 4(1) of Land Acquisition Act, 1894 vide G.O.Ms.No.850, Housing and Urban Development Department, dated 21.05.1991 and Declaration under Section 6 of Land Acquisition Act, 1894 vide G.O.Ms.No.528, Housing and Urban Development Department, dated 12.08.1992 deemed to have lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.

For Petitioner	: Mr.R.Bharathkumar
For R1 & R4	: Mr.G.Velu
	Additional Government Pleader
For R2 & R3	: Mr.S.Ramachandran
	Standing Counsel

ORDER

This Writ Petition has been filed challenging the land acquisition proceedings in respect of the land comprised in Survey No.897/1A3, measuring an extent of 5080 sq.ft. bearing Plot Nos.2, 7 & 8, situated at Hosur Taluk, Krishnagiri District, initiated under Section 4(1) of Land Acquisition Act, 1894, vide G.O.Ms.No.850, Housing and Urban Development Department, dated 21.05.1991 and the declaration made under Section 6 of the Land Acquisition Act, 1894, vide G.O.Ms.No.528, Housing



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and Urban Development Department, dated 12.08.1992, in view of the provisions under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.

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

3. The land admeasuring 1.33 acres comprised in Survey No.897/3, situated at Hosur Taluk, Krishnagir District, originally belonged to one Periya Nallariappa. He died intestate, leaving behind his wife and five sons, who inherited the said property. They appointed one M.Anjappa, as their power of attorney to deal with the property. The said M.Anjappa developed the subject property into house sites and sold the plots to various persons. The petitioner purchased the subject property by a registered sale deed dated 24.07.1986 vide Document No.5415 of 1986. While being so, a notification was issued for acquisition of the subject land and subsequently, an award was also passed in Award No.17 of 1994, dated 12.08.994. Thereafter, the power holder challenged the acquisition proceedings by filing writ petitions in W.P.Nos.13750 and 13752 of 1994, which were dismissed by order dated 25.02.2000.



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4.The learned counsel appearing for the petitioner would submit that though the petitioner purchased the subject property in the year 1986, the petitioner was never issued any notice and the possession of the property has not been taken till date. Further, the petitioner was not paid any compensation amount. As per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013, the entire acquisition proceedings have now been lapsed, since the petitioner was not paid compensation and the possession of the property was not taken over till date.

5.A perusal of the counter affidavit filed by the third respondent and the submissions made by the learned Standing Counsel, reveals that the petitioner is a subsequent purchaser. The subject land, along with other lands, was acquired for the purpose of implementation of housing scheme in and around Hosur Town. The Hosur Neighbourhood Scheme, Phase XVI situated at Hosur Village, is one of the schemes, under which lands to an extent of 213 acres were proposed to be acquired. The layout of the scheme was approved by DTCP and 85% of the plots were also sold. In the remaining land, the second respondent also constructed houses and sold the same.



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6. Insofar as the subject property, along with other properties admeasuring 0.43.5 hectares comprised in Survey No.897/3A1 situated at Hosur Village, Krishnagir District, is concerned, the lands were acquired under Section 4(1) Notification dated 21.05.1991. Thereafter, an enquiry was conducted as contemplated under Section 5(a) of the Land Acquisition Act. After completion of the enquiry, the draft declaration under Section 6 of the Land Acquisition Act was approved by G.O.Ms.No.528, Housing and Urban Development Department, Chennai, dated 12.08.1992. Subsequently, an award was passed on 12.08.1994. Thereafter, the possession of the lands was taken over and patta was issued in favour of the Tamil Nadu Housing Board in respect of the subject land and other land lands vide Patta No.457, dated 12.01.1998.

7. The award amount of Rs.24,97,439/- was deposited in the Hosur Sub-Treasury vide challan No.124, dated 16.02.1995 in respect of the entire lands covered in the said award, out of which, a sum of Rs.2,17,737/- was paid for the subject land purchased by the petitioner. After taking possession, the land was handed over to the second respondent on 21.10.1994. In fact, some of the awardees has approached the Sub Court



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under Section 18 of the Land Acquisition Act seeking enhancement of compensation. The compensation was enhanced and they were also paid.

Thereafter, the entire revenue records were mutated in favour of the second respondent in respect of the subject property. Therefore, the petitioner has failed to satisfy the twin conditions as contemplated under Section 24(2) of the Land Acquisition Act, i.e., that physical possession of the property was not taken over and that compensation amount was paid in accordance with law.

8. That apart, the adjacent land owners, including the power holder by name M.Anjappa, had also filed writ petitions before this Court challenging the very same acquisition proceedings on identical grounds in W.P.Nos.7026 and 7027 of 2015 and both the writ petitions were dismissed by order dated 13.06.2022. In fact, neighbouring land owners also filed writ petitions before this Court in W.P.No.30674 to 30677 of 2023 and this Court by order dated 27.11.2023, dismissed all the writ petitions on the ground that the possession of the subject property had been taken over and compensation amount was also paid to the land owners.

9. In view of the above, the land acquisition proceedings in respect of the land comprised in Survey No.897/1A3 to an extent of 5080 sq.ft.



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situated at Plot Nos.2, 7 & 8, Hosur Taluk, Krishnagiri District under Section 4(1) of Land Acquisition Act, 1894 vide G.O.Ms.No.850, Housing and Urban Development Department, dated 21.05.1991 and the declaration under Section 6 of the Land Acquisition Act 1894 vide G.O.Ms.No.528, Housing and Urban Development Department, dated 12.08.1992 cannot be vitiated and the writ petition is devoid of merits and is liable to be dismissed.

10. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

12.09.2025
(2/2)

Neutral citation :Yes/No
Index:Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

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Housing and Urban Development Dept.,
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