



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

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

**WA No. 2075 of 2023
and
CMP No. 17693 of 2023**

1.Periasamy
2.Kannammal

Appellant(s)

Vs

1.The Government of Tamil Nadu
Rep. by the Secretary to Government,
Housing and Urban Development,
Fort St. George, Chennai-600 009.

2.The Managing Director,
The Tamil Nadu Housing Board,
No.33, Anna Salai,
Nandanam, Chennai-600 035.

3.The Special Tahsildar
(Land Acquisition),
Adi Dravidar Welfare Scheme,
Namakkal.

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order made in WP.No.21796 of 2014 dated 07.01.2022

For Appellant(s): Mr.G.Murugendran



For Respondent(s): Mr.Vadivelu Deenadayalan
Additional Government Pleader
For R1 & R3

Mr.A.M.Ravindranath Jeyapaul,
Standing Counsel For R2
For [TNHB]

J U D G M E N T

(Judgment was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 07.01.2022 passed in W.P.No.21796 of 2014. The writ petitioners are the appellants before this Court.

2. The writ petition has been instituted seeking declaration under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, [hereinafter referred to as '2013 Act'] as lapsed. The Writ Court has considered the facts and found that twin conditions have been complied with. Government deposited the compensation amount pursuant to the award and possession also had been taken. Consequently, the writ petition came to be dismissed.

3. The learned counsel for the appellants would mainly contend that the lands acquired have not been utilised for the purpose for which it was acquired under the Tamil Nadu Acquisition of Land for the Harijan Welfare Schemes Act, 1978. The land remains vacant and the appellants are cultivating the land.



Therefore, appellants are entitled to secure relief under Section 24(2) of the 2013 Act. In support, he relied on the judgment of the Division Bench of this Court in the case of ***N.Devanadan vs. State of Tamil Nadu***¹. It is contended that the procedures as contemplated for taking possession had not been followed. While taking possession, the established procedures were not followed. Thus, for all purposes, it is to be construed that no possession had been taken, nor compensation amount has been deposited.

4. Facts in a nutshell show that a notification under Section 4(1) was issued under the Harijan Welfare Land Acquisition Act. The appellants filed W.P.No.6752 of 1998 challenging the notification. The writ petition came to be dismissed on 19.01.2010. Thereafter, land acquisition proceedings concluded, an award passed and compensation was deposited in Revenue Deposit at the Treasury Office at Sankari on 29.06.1996. Possession had been taken. Even before this Court, the Additional Government Pleader has produced a document to show that possession had been taken by the Special Tahsildar, Adi Dravida Welfare Scheme.

5. The Writ Court has perused the recorded produced by the Special Tahsildar (Land Acquisition), Adi Dravidar Welfare Scheme. On perusal of the records, the Writ Court in paragraph 5, made a finding that on 05.08.1997, the land owner was not present, and as per the procedure, and after “tom tom”,

¹ 2023 MHC 712



possession of the subject land had been taken over by the land acquisition officer on 05.08.1997. The entire compensation amount as per the award had been deposited under Revenue Deposit at the Treasury Office at Sankari on 29.03.1996. After completion of acquisition proceedings, house site pattas were also distributed to 30 beneficiaries and they were issued pattas. Based on the said record, the Writ Court dismissed the writ petition.

6. The judgment of the Division Bench relied on by the appellants is factually distinguishable. In respect of declaratory relief to be granted under Section 24(2) of 2013 Act, compliance of twin conditions as contemplated is to be established independently based on facts of each case.

7. In the present case, the Writ Court perused the records and found that possession had been taken and award amount had been deposited at the Treasury Office, Sankari. That being the factum, this Court does not find any infirmity in respect of the impugned writ order in the writ appeal.



8. Accordingly, the Writ Appeal stands dismissed. No costs. The connected Miscellaneous Petition is closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

03-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Jeni

To

1.The Government of Tamil Nadu
Rep. by the Secretary to Government,
Housing and Urban Development, Fort
St. George, Chennai-9.

2.The Managing Director,
The Tamil Nadu Housing Board, No.33,
Anna Salai, Nandanam, Chennai-35.

3.The Special Tahsildar
(Land Acquisition), Adi Dravidar



Welfare Scheme, Namakkal.

WEB COPY

WA No. 2075 of 2023





WEB COPY

WA No. 2075 of 2023



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

Jeni

WA No. 2075 of 2023

03-11-2025