



W.M.P.No.24969 of 2024
in W.P.No.44495 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.M.P.No.24969 of 2024

in

W.P.No.44495 of 2006

Lakshmi

Represented by her Power Agent,
D.Madhanlal.

.. Petitioner

Vs.

The Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai & another.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to permit the petitioners to raise additional grounds in writ petition WP.No.44495 of 2006 as follows:-

i) The entire land acquisition proceedings pursuant to the Notification under section 4(1) of the Land Acquisition Act, 1894 vide G.O.Ms.No.755 Housing and Urban Development Department dated 04.09.1981 and the Declaration under Section 6 of the said Act vide G.O.Ms.No.18 Housing and Urban Development Department dated 04.01.1983 and the award No.11/86-87 dated 19.09.1986 and Award No.8/86-87 dated 19.09.1986 have lapsed under section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition,



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Rehabilitation and Resettlement Act, 2013.

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ii) Petitioner submits that award has been passed more than 5 years before 2013 Act has come into force. Physical possession of the land still continues with the petitioner and the Respondents have not taken physical possession of the land pursuant to the above referred land acquisition Notification, Declaration and the Award.

iii) Petitioner submits that petitioner has not been tendered the compensation pursuant to the award nor has received the compensation pursuant to the award. As such, the compensation has not been paid to the petitioner by the Respondents.

iv) In the light of the above, the entire land acquisition proceedings has lapsed.

v) Petitioner submits that in respect of survey No.101/7 and 101/9, the Tamil Nadu Housing Board has given no objection for transfer of patta in favour of one Thiru Perumal on the basis of order in W.P.No.15400 of 2014 of this Hon'ble Court. Petitioner has also similarly placed and is entitled to the same benefit.

vi) In any view of the matter, the entire land acquisition proceedings have lapsed and the petitioner is entitled to enjoy the lands, possession of which continues with the petitioner.



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For petitioner : Mrs.AL.Ganthimathi
Senior Counsel
for Mr.L.Palanimuthu

ORDER

This petition is allowed.

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NOTE: Registry is directed to carry out necessary amendment
in the cause title in W.P.No.44495 of 2006



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N.ANAND VENKATESH, J.

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