



W.P.No. 24716 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM

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

**W.P No. 24716 of 2019**

**and**

**WMP.No. 24380 of 2019**

V.Saroja

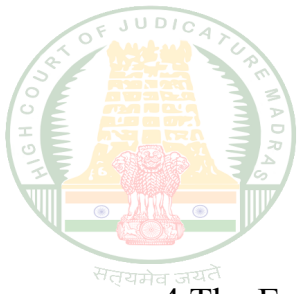
..Petitioner

Vs

1. Government of Tamil Nadu  
Represented by its Secretary,  
Housing and Urban Development Department,  
Fort St.George, Chennai-600009.

2.The Special Tahsildar,  
Land Acquisition (Neighbourhood Scheme)  
Tamil Nadu Housing Board,  
Salem Housing Unit,  
Salem-636008.

3.The Chairman and Managing Director,  
Tamil Nadu Housing Board,  
Nandanam,  
Chennai-600035.



W.P.No. 24716 of 2019

4. The Executive Engineer and  
Administration Officer,  
Tamil Nadu Housing Board,  
Salem Housing Unit,  
Salem -626008

..Respondents

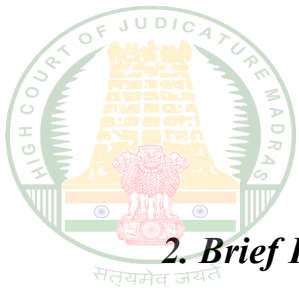
Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Declaration, declaring that the entire land acquisition proceedings initiated under the Land Acquisition Act 1894, in respect of the land belonging to the petitioner measuring an extent of 0.16 acres (6996 sq.ft) in Survey No. 195/3 (Door No. 90/32, South East Layout), Alagapuram Pudur Village, Salem Taluk, Salem District and covered under Patta No. 225, as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pass such further or other orders.

**For Petitioner** : Mr.P.Jagadeesan

**For Respondent** : Mr.N. Naveen Kumar, GA – R1 & R2  
Mr.J. Pachaiyappan, Standing Counsel-  
R3& R4

### **ORDER**

This writ petition has been filed challenging the land acquisition proceedings initiated under the Land Acquisition Act in respect of the petitioner's land as lapsed under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



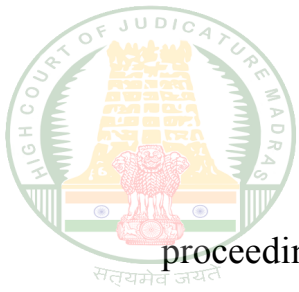
W.P.No. 24716 of 2019

## **2. Brief Facts of the Case:**

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2.1. This writ petition has been filed challenging the land acquisition proceedings initiated under the Land Acquisition Act in respect of the petitioner's land comprised in Survey No. 195/3 in No. 54, Alagapuram Pudur Village, Salem Taluk. The petitioner acquired the land from one Backiam Ammal by way of a registered Sale Deed dated 07.04.1984 for the purpose of constructing houses under the Neighborhood Scheme of the Tamil Nadu Housing Board. An award was passed on 19.09.1986. Thereafter, the respondent Housing Board did not take any steps to take possession of the land or utilize it for any purpose. The respondent Board proceeded with the acquisition of the property and passed the award on 07.04.1984 without serving any notice to the petitioner.

2.2. The petitioner challenged the declaration under Section 6 of the Land Acquisition Act before this Court in W.P. No. 9939 of 1986, which was dismissed on 27.11.1996. Since some of the lands were not utilized for the scheme, the Government excluded the unutilized lands vide letter No. 124115/S-2/88-1 dated 15.06.1988. The petitioner submitted a representation to the respondents on 18.09.1999 to exclude his land from the acquisition



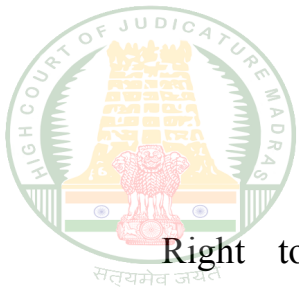
W.P.No. 24716 of 2019

proceedings. The said representation was not considered by the respondents,

hence the petitioner filed a writ petition in W.P. No. 17860 of 1999. This Court, vide order dated 10.01.2000, directed the Government to consider the petitioner's representation and pass orders.

2.3. Pursuant to the said directions, the petitioner submitted a further representation dated 24.02.2000, which was rejected by the respondents vide order dated 29.05.2000. Thereafter, the petitioner filed another writ petition in W.P. No. 823 of 2001, and by order dated 17.01.2001, the respondents were directed to consider the petitioner's representation dated 20.10.2000 and pass orders within two months. However, the respondents, vide order dated 01.02.2006, rejected the petitioner's representation on the ground that the land cannot be reconveyed or excluded to a subsequent purchaser.

2.4. Challenging the said rejection order, the petitioner filed a writ petition in W.P. No. 41217 of 2006 seeking a direction to exclude the land from acquisition proceedings or to recover the same under Section 48(B) of the Land Acquisition Act, 1894. This Court disposed of the writ petition on 16.07.2019, holding that in view of the repeal of the Land Acquisition Act, 1894 by the

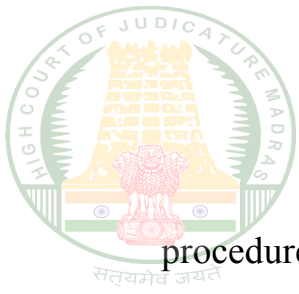


W.P.No. 24716 of 2019

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “Act, 2013”), the provision for reconveyance no longer exists, and granted liberty to the petitioner to seek remedy in a manner known to law.

3. The learned counsel for the petitioner contends that the acquisition proceedings were initiated long ago and the award was passed on 19.09.1986. The petitioner has been in possession and enjoyment of the land since then. The respondent Housing Board has neither taken possession of the land nor utilized it for any purpose. Therefore, the petitioner submits that the entire acquisition proceedings have lapsed under Section 24(2) of the Land Acquisition Act due to non-possession and non-utilization of the land by the respondent Board. The petitioner further contends that no prejudice would be caused to the respondent Housing Board if the acquisition proceedings in respect of the petitioner’s land are declared lapsed under Section 24(2) of the Act, 2013.

4. On the other hand, the learned Government Advocate appearing for the respondents submits that the acquisition proceedings were initiated in accordance with the provisions of the Land Acquisition Act and all statutory



W.P.No. 24716 of 2019

procedures were duly followed. The award was passed on 19.09.1986, and the petitioner's land was acquired for a public purpose under the Neighborhood Scheme of the Tamil Nadu Housing Board.

5. Learned Government Advocate further submitted that the respondent Housing Board has the right to take possession and utilize the land at a later stage, and mere non-utilization of the land immediately after the award does not amount to lapsing of the acquisition proceedings. The Government Advocate further contends that Section 24(2) of the Act, 2013, which deals with lapsing of acquisition proceedings due to non-utilization, is not applicable retrospectively to acquisitions made under the repealed Land Acquisition Act, 1894. Since the petitioner's land was included in the acquisition scheme by proper notification, and subsequent rejection of the petitioner's representation to exclude the land was in accordance with law, particularly since the land was acquired and is vested with the Housing Board.

6. Heard both sides and perused the materials available on record.



W.P.No. 24716 of 2019

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7. This issue has already been decided by the Hon'ble Supreme Court in

***Indore Development Authority Vs. Manoharlal & Others [(2020) 8 SCC 129],***

wherein the Supreme Court has held as follows;

*"7. The mode of taking possession under the Act of 1894 and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).*

*8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.*

*9. Section 24(2) of the Act of 2013 does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition."*



W.P.No. 24716 of 2019

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8. In view of the above decision of the Hon'ble Supreme Court, no claim can be considered after the acquisition proceedings as per Section 24(2) of the Act, 2013. However, in the present case, an award has already been passed and the entire compensation amount was already deposited before the competent Court. Since the petitioner claims to be in possession and enjoyment of the subject property, she may seek re-conveyance of the subject property as per the provisions of the Act, 2013.

9. In light of the above, the writ petition stands disposed of with liberty to approach the 1<sup>st</sup> respondent for reconveyance of the subject land, in accordance with law.

**17.09.2025**

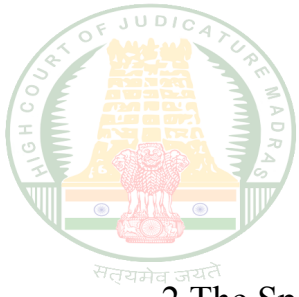
Index : Yes/No

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W.P.No. 24716 of 2019

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