



W.P.No.26055 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2025

CORAM

**THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY**

**W.P.No.26055 of 2025**

G.Kamaraj

... Petitioner

**Vs.**

1. The District Collector,  
Chennai District,  
Chennai 600 001.

2. The District Collector  
Kancheepuram District,  
Kancheepuram.

3. The Tahsildar,  
Sholinganallur Taluk,  
Sholinganallur, Chennai 600 119.

4. The Managing Director,  
Tamil Nadu Housing Board,  
Cmda Building, Koyambedu,  
Chennai 600 107.

5. The Special Thashildar,  
Unit - V(la), Land Acquisition For Housing,  
Board Schemes, Tamil Nadu Housing Board,  
Cmda Building, Koyambedu,  
Chennai 600 107.

... Respondents



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**Prayer:**

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, Calling for the entire records pertaining to the impugned proceedings issued by the 1st respondent in Che.Mu.Order.No.J17 / 6217 /2019 dated 28/11/2024 quash the same and consequently direct the 1st Respondent to re-determine the compensation payable to the petitioner in respect of lands in survey Nos. 343 /3 and 345 /3 C Sholinganallur Village, Sholinganallu Taluk, chengalpattu district under Section 28- A of the land Acquisition Act.

For Petitioner : Mr.T.Sellapandian

For Respondent : Mr.G.Velu, AGP for R1 to 3 & 5  
Mr.A.M.Ravindranath Jeyapal,  
St.counsel (TNHB) for R4

**ORDER**

This writ petition has been filed challenging the impugned proceedings dated 28.11.2024 issued by the 1<sup>st</sup> respondent.



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2. The learned counsel for the petitioner would submit that in this case, initially, an application under Section 28A of the Act was filed by the petitioner's father. However, the same was rejected by the 2<sup>nd</sup> respondent, vide the impugned order, on the ground of limitation. The said rejection order was challenged in WP.No.6865 of 2006, wherein, this Court, vide order dated 03.09.2010, set aside the rejection order and held that the petitioner's reference is well within time. Even after the setting aside of rejection order, the respondents had not passed any fresh orders. Thus, another writ petition was filed by the petitioner in WP.No.21429 of 2024 and the same was disposed off by this Court vide order dated 06.11.2024 by directing the respondents to pass orders within a period of 3 months. Pursuant to the same, now, the impugned order came to be passed by the respondent on the very same ground by stating that the petitioner had belatedly filed the application in terms of Section 28A of the Act. Therefore, he would contend that the impugned order came to be passed, in total non-applicaiton of mind, without considering the order dated 03.09.2010 passed by this Court and hence, he request this Court to quash the said impugned order.



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3. In reply, the learned Additional Government Pleader appearing for the respondent would submit that confirmed the submissions made by the petitioner. Hence, he requests this Court to pass appropriate orders.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the materials available on record.

5. In the case on hand, initially, an application under Section 28A of the Act was filed by the petitioner's father. However, the same was rejected by the 2<sup>nd</sup> respondent, vide the impugned order, on the ground of limitation. The said rejection order was challenged in WP.No.6865 of 2006, wherein, this Court, vide order dated 03.09.2010, set aside the rejection order and held that the petitioner's reference is well within time.



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6. Even after the setting aside of rejection order, the respondents had not passed any fresh orders and thus, another writ petition was filed by the petitioner in WP.No.21429 of 2024, which was disposed of by this Court, vide order dated 06.11.2024, by directing the respondents to pass orders within a period of 3 months. Pursuant to the same, now, the impugned order came to be passed by the respondent on the very same ground by stating that the petitioner had belatedly filed the application in terms of Section 28A of the Act.

7. According to the petitioner, the application was filed by the petitioner's father well within the period of limitation and the said aspect was confirmed vide the order dated 03.09.2010 passed by this Court. The relevant portion of the order passed by this Court is extracted hereunder:

*“5. In this case, the award was passed by the learned Judge of the Fast Track Court on 30.7.2004. The petitioner applied for copy on 17.8.2004. Copy was made ready on 28.9.2004. The application for reference was submitted by the petitioner before the second respondent*



26.11.2004, which was also duly recommended by the 2<sup>nd</sup> respondent to the 1<sup>st</sup> respondent. the first respondent rejected the said request by stating that the application was filed by the petitioner beyond three months and the same is contrary to Section 28A of the Land Acquisition Act, 1894. It is also stated in that order that the petitioner submitted the application on 26.11.2004 before the 2<sup>nd</sup> respondent and not before the 1<sup>st</sup> respondent, who is the District Collector. In answer to the said submission, the learned counsel for the petitioner has referred to Section 3(e) of the Land Acquisition Act, 1894 with regard to the expression 'Collector', which is defined as follows:

"3. (e) the expression "Collector" means the Collector of a District, and includes a Deputy Commissioner and any officer specially appointed by the appropriate Government to perform the functions of a Collector under this Act."

6. From the perusal of the said definition, it is evident that the 2<sup>nd</sup> respondent who is authorised to acquire lands of the petitioner and others, was designated as Collector for the purpose of the land acquisition proceedings. Hence, the application submitted by the petitioner on 26.11.2004 cannot be treated as belated one, i.e., filed beyond 3 months, after deducting the time spent for getting the copy of the award dated 30.7.2004"



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8. A perusal of the above order makes it clear that the petitioner had filed the application well within the period of limitation. However, without considering the said aspect, once again the respondent passed the impugned order on the very same ground by stating that the application is barred by limitation.

9. Once the aspect of limitation is decided by this Court vide aforesaid order dated 03.09.2010, the respondent, once again, cannot stand on the very same issue and pass the rejection order. Thus, it is very clear that the respondent had passed the impugned order in non-application of mind and hence, the same is liable to be set aside.

10. Accordingly, the impugned order dated 28.11.2024 is set aside. The respondent is directed to consider the petitioner's application and decide all the issues, other than the issue of limitation, and pass orders on merits and in accordance with law, within a period of 8 weeks from the date of receipt of copy of this order.



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11. In the result, this writ petition is allowed. No cost.

Consequently, the connected miscellaneous petitions are also closed.

12. List this matter for reporting compliance on 05.01.2026.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

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**KRISHNAN RAMASAMY.J.,**

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