



W.P.No39638 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

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M.Mathaiyan

... Petitioner

-VS-

1. The District Collector,
1st Floor Main Building,
District Collectorate,
Dharmapuri District - 636 705.
2. The District Revenue Officer,
1st Floor Main Building,
District Collectorate,
Dharmapuri District – 636 705.
3. District Adi Dravidar Welfare Officer,
District Collector Office Campus,
Dharmapuri – 636 705.
4. The Assistant Director,
Agriculture Department,
Near Dharmapuri Collectorate,
Dharmapuri – 636 705.
5. The Tahsildar,
Taluk Office,
Periyar Nagar,
Harur – 636 903.



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6. The Special Tahsildar,
Adi Dravidar Welfare,
Harur, Taluk Office,
Periyar Nagar,
Harur – 636 903.

7. Village Administrative Officer,
No.086, Vadugapatti Village,
Vadugapatti, Harur Taluk,
Dharmapuri District – 636 902.

8. The Revenue Inspector,
Harur Taluk Office, Salem By-pass,
Periyar Nagar, Harur,
Dharmapuri District – 636 903.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Declaration, declaring that the acquisition proceedings initiated in respect of the land measuring 1 Acre 75 Cents, comprised in S.No.12/2A (part) of No.086, Kurumpatti Village, Vadugapatti area, Harur Taluk, Dharmapuri District (hereinafter referred to as “the Subject property”), have lapsed under Section 24(2) of the Right to Fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and consequently direct the respondents to issue patta in favour of the petitioner in respect of the land of a total extent of 1 Acre and 75 cents comprised in S.No.12/2A (part) of No.086, Kurumpatti Village, more fully described as item Nos.1 and 2 in the schedule annexed to this writ petition.

For Petitioner : Mr.Prakash Goklaney

For Respondents : Mr.T.Arun Kumar
Addl. Govt. Pleader



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ORDER

(By.S.M.SUBRAMANIAM,J.,)

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Writ of Declaration has been instituted, declaring that the acquisition proceedings initiated in respect of the land measuring 1 Acre 75 Cents, comprised in S.No.12/2A (part) of No.086, Kurumpatti Village, Vadugapatti area, Harur Taluk, Dharmapuri District (hereinafter referred to as “the Subject property”), have lapsed under Section 24(2) of the Right to Fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and consequently direct the respondents to issue patta in favour of the petitioner in respect of the land of a total extent of 1 Acre and 75 cents comprised in S.No.12/2A (part) of No.086, Kurumpatti Village, more fully described as item Nos.1 and 2 in the schedule annexed to this writ petition.

2. Learned counsel for the petitioner would mainly contend that the petitioner is cultivating the acquired land and he is in possession of the land. Land owner has not received the compensation and therefore, the provisions of Section 24(2) of the Right to Fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 would attract and consequently, he is entitled for the benefit under



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Section 24(2) of the Act, 2013 and thus, the Writ Petition is to be considered.

3. Learned Additional Government Pleader would oppose, by stating that the acquisition proceedings were initiated under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act in the year 1986 itself and after observing all the procedures contemplated under the Act, an Award came to be passed on 23.09.1987. Since the land owners refused to receive the compensation, the compensation so determined was deposited before the Sub-Court, Dharmapuri at Krishnagiri in LAOP No.267 of 1987. Learned Sub-Judge had made an endorsement. Since the compensation had been deposited in the Civil Court deposit, Writ Petitioner is not entitled to avail the benefit of Section 24(2) of the Act, 2013.

4. This Court considered the arguments as advanced between the parties.

5. The land acquisition proceedings concluded in the year 1987 and the compensation amount had been deposited in the Civil Court deposit. The evidence produced by the respondents / authorities is scanned and appended hereunder:



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CODE FORM(D) APPENDIX(c)

Use of work for which land has been acquired.

Provision of house sites to Adigraswara residing at Marur Taluk.

To The Sub Judge, Dharmapuri @ Krishnagiri.

A sum of Rs. 12025.00 (Rupees Twelve Thousand and twenty five only)

being the compensation for the lands acquired for the above purpose payable as detailed below is tendered for deposit on Court under Section 30 of the Land Acquisition Act I of 1934

Sl. No. in the Award statement.	Name of parties.	Area of land.	Amount payable.	Remarks.
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Munigan S. Munisamy
Chennaimmal

A.C.
1.85

Rs. 12025/-

9223/1000
23.9.57

LABD 267/57

W.P. No. 223/23.9.57

Received the above amount for credit to the Civil Court Deposit.

Subordinate Judge, Dharmapuri at Krishnagiri.

Amount paid by Bank Draft Rs. 12025/- of the State Bank of India, Dharmapuri. Sent for payable to the Subordinate Judge, Dharmapuri at Krishnagiri.

Special Secy of Dharmapuri

Compared with the Original

S. Calani
Examiner/Reader.



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6. After the lands were acquired for the benefit of poor landless Adi Dravidar People, it is brought to the notice of this Court that actions are initiated to evict encroachers.

7. The cumulative effect of various judgments reaffirms the principles of the case in ***Indore Development Authority vs. Manohar Lal & Others***, reported in (2020) 8 SCC 129, as the settled position of law.

The Hon'ble Supreme Court has made it abundantly clear that:

- (1) Section 24(2) is an exceptional provision and must be strictly construed.
- (2) Lapse of acquisition arises only when both conditions non-payment and non-possession coexist.
- (3) Tendering of compensation is equivalent to payment; non-deposit in court alone does not cause lapse.
- (4) Periods during which proceedings were stayed by court orders are excluded from the five-year computation.
- (5) Litigants cannot claim lapse based on delay caused by their own interim reliefs.

8. In the present case, the land acquisition proceedings concluded in the year 1987 and the compensation amount deposited in the Civil Court deposit, as stated above and therefore, the claim of the petitioner is not only stale, but also not falling within the ambit of Section



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24(2) of the Act, 2013. This Court is of the view that the present Writ Petition is not maintainable and deserves to be dismissed.

Consequently, the Writ Petition stands dismissed. No costs.

(S.M.S,J.) (C.K,J.)
17.12.2025

Index: Yes
Internet: Yes
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