



W.P.Nos.44494 of 2006, etc. batch

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM:

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

W.P.Nos.44494, 44507, 44508, 44495, 44498, 44510 & 44511 of 2006

WP.No.44494 of 2006

K.Seetharaman

(petitioner cause title amended vide order
dated 02.09.2025 made in WMP.No.13879
of 2025 in WP.No.44494 of 2006)

... Petitioner

Vs.

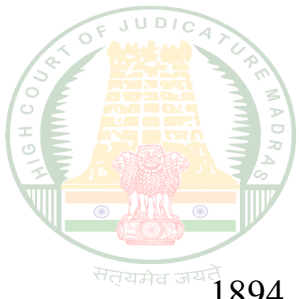
1.The Secretary,
Housing & Urban Development Department,
Fort St.George, Chennai-9

2.The Chairman,
Tamilnadu Housing Board,
Nandanam,
Chennai-18

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Declaration declaring that the land acquisition
proceedings initiated under Section 4(1) of the Land Acquisition Act,



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1894, vide G.O.Ms.No.18 dated 04.09.1981 of the first respondent, followed by Rule 6 Declaration issued vide G.O.Ms.No.723/83 dated 04.09.1983 of the first respondent and all other consequential proceedings of the respondents, with respect to the land comprised in S.No.39/3, measuring an extent of 66 cents, Kannanguruchi Village, Salem, belonging to the petitioner, stands lapsed, in view of Section 24(2) of the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as it is an admitted position that the compensation has not been paid and the physical possession of the said land has neither been taken nor vested with the Government of Tamilnadu and consequently direct the respondents to effect necessary changes in the revenue records, by incorporating the names of the petitioner with respect to the said land. (prayer amended vide order dated 02.09.2025 made in WMP.No.13882 of 2025 in WP.No.44494 of 2006).

For Petitioner : Mr.R.Gopinath
for M/s.Mcgan Law Firm



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W.P.Nos.44494 of 2006, etc. batch

For Respondents

For R1 : Mr.T.Arun Kumar,
Additional Government Pleader

For R2 : Mr.J.Pachiyappan,
Standing Counsel

WP.No.44507 of 2006

1.A.Balasubramaniam

2.Kothainayagi

3.Chinnaponnu

4.Unnamalai

5.Ananthayee

6.Lakshmi(deceased)

7.Saraswathi

petitioners 1 to 7 are represented by their power agent

D.Madhanlal

8.Manjula

9.Ganesa Moorthy

(petitioners 8 & 9 substituted as legal heirs of the
deceased sixth petitioner vide order dated

02.09.2025 made in WMP.No.14153 of 2025

in WP.No.44507 of 2006)

... Petitioners

Vs.

1.The Secretary,

Housing & Urban Development Department,

Fort St.George, Chennai-9

2.The Chairman,

Tamilnadu Housing Board,

Nandanam,

Chennai-18

... Respondents



W.P.Nos.44494 of 2006, etc. batch

PRAYER:

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Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to re-convey to the petitioner the land comprised in S.No.102/3 measuring an extent of 2.56 acres Ayyamperumalpatti Village, Salem.

For Petitioners : Mr.P.K.Ramaiah

For Respondents

For R1 : Mr.T.Arun Kumar,
Additional Government Pleader

For R2 : Mr.J.Pachiyappan,
Standing Counsel

WP.No.44508 of 2006

1.T.Radhakrishnan

2.T.Vasu(deceased)

(Petitioners 1 & 2 cause title amended vide order dated 02.09.2025 made in WMP.No.13871 of 2025 in WP.No.44508 of 2006)

3.V.Malarkodi

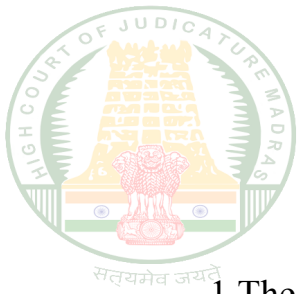
4.V.Mohanapriya

5.V.Kesavarajan

(petitioners 3 to 5 substituted as LR's of the deceased second petitioner vide order dated 02.09.2025 made in WMP.No.13875 of 2025 in WP.No.44508 of 2006)

... Petitioners

Vs.



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1.The Secretary,
Housing & Urban Development Department,
Fort St.George, Chennai-9
2.The Chairman,
Tamilnadu Housing Board,
Nandanam,
Chennai-18

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Declaration declaring that the land acquisition proceedings initiated under Section 4(1) of the Land Acquisition Act, 1894, vide G.O.Ms.No.18 dated 04.09.1981 of the first respondent, followed by Rule 6 Declaration issued vide G.O.Ms.No.723/83 dated 04.09.1983 of the first respondent and all other consequential proceedings of the respondents, with respect to the land comprised in S.No.114/1, measuring an extent of 2 acres at Ayyamperumalpatti Village, Salem belonging to the petitioners, stands lapsed, in view of Section 24(2) of the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as it is an admitted position that the compensation has not been paid and the physical possession of the said land has neither been taken nor vested



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with the Government of Tamilnadu and consequently direct the respondents to effect necessary changes in the revenue records, by incorporating the names of the petitioners with respect to the said land. (prayer amended vide order dated 02.09.2025 made in WMP.No.13873 of 2025 in WP.No.44508 of 2006).

For Petitioners : Mr.R.Gopinath
for M/s.Mcgan Law Firm

For Respondents
For R1 : Mr.T.Arun Kumar,
Additional Government Pleader
For R2 : Mr.J.Pachiyappan,
Standing Counsel

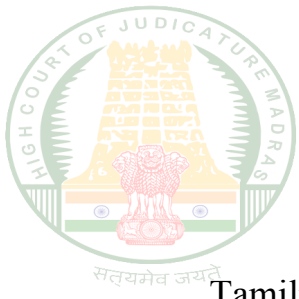
WP.No.44495 of 2006

Lakshmi
(petitioner cause title amended vide order
dated 03.04.2014 made in MP.Nos.2 & 2 of 2013
in WP.Nos.44511 & 44495 of 2006)

... Petitioner

Vs.

1.The Secretary,
Housing & Urban Development Department,
Fort St.George, Chennai-9
2.The Chairman,



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Tamilnadu Housing Board,
Nandanam,
Chennai-18

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Declaration declaring that the land acquisition proceedings in respect of survey no.39/5 measuring an extent of 87 cents and survey no.39/8 measuring an extent of 91 cents in Kannangurichi Village, Salem being the subject matter of the land acquisition proceedings pursuant to the notification 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 in GO.Ms.No.18 Housing and Urban Development Department dated 04.01.1983 is having lapsed under Section 24(2) of the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(prayer amended vide order dated 10.03.2025 made in WMP.No.24965 of 2024 in WP.No.44495 of 2006).



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W.P.Nos.44494 of 2006, etc. batch

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
for Mr.AR.Karthik Lakshmanan

For Respondents
For R1 : Mr.T.Arun Kumar,
Additional Government Pleader

For R2 : Mr.J.Pachiyappan,
Standing Counsel

WP.No.44498 of 2006

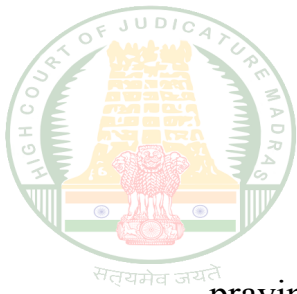
1.C.Perumal
2.Sumathi
3.Gomathi
4.P.Vinoth Kumar
(petitioners 1 to 4 cause title amended as per order dated
10.03.2025 made in WMP.No.8265 of 2025
in WP.No.44498 of 2006) ... Petitioners

Vs.

1.The Secretary,
Housing & Urban Development Department,
Fort St.George, Chennai-9
2.The Chairman,
Tamilnadu Housing Board,
Nandanam,
Chennai-18 ... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India



W.P.Nos.44494 of 2006, etc. batch

praying to issue a Writ of Mandamus directing the respondents to re-convey to the petitioners the lands comprised in S.No.101/10 measuring an extent of 1.20 acres and survey No.104 measuring an extent of 92 cents, Ayyamperumalpatti Village, Salem.

For Petitioners : Mr.A.M.Esakkiappan

For Respondents

For R1 : Mr.T.Arun Kumar,
Additional Government Pleader

For R2 : Mr.J.Pachiyappan,
Standing Counsel

WP.No.44510 of 2006

A.Venkatesan
represented by his power agent
D.Madhanlal

... Petitioner

Vs.

1.The Secretary,
Housing & Urban Development Department,
Fort St.George, Chennai-9
2.The Chairman,
Tamilnadu Housing Board,
Nandanam,
Chennai-18

... Respondents

PRAYER:

9/18



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Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to re-convey to the petitioner the land comprised in S.No.102/3 measuring an extent of 78 cents, Ayyamperumalpatti Village, Salem.

For Petitioner : Mr.R.Gopinath
for M/s.Mcgan Law Firm

For Respondents
For R1 : Mr.T.Arun Kumar,
Additional Government Pleader

For R2 : Mr.J.Pachiyappan,
Standing Counsel

WP.No.44511 of 2006

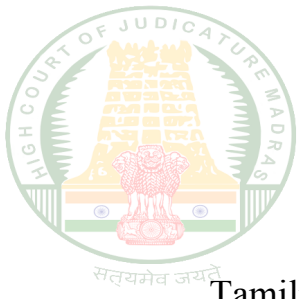
1.A.Kuppusamy(died)
represented by his power agent
D.Madhanlal
2.K.Thangavel
(2nd Petitioner substituted as LR of the
deceased sole petitioner vide order
dated 03.04.2014 made in MP.Nos.2, 3
of 2013 in WP.Nos.44511 & 44495 of 2006)

... Petitioners

Vs.

1.The Secretary,
Housing & Urban Development Department,
Fort St.George, Chennai-9
2.The Chairman,

10/18



W.P.Nos.44494 of 2006, etc. batch

Tamilnadu Housing Board,
Nandanam,
Chennai-18

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Declaration declaring that the land acquisition proceedings in respect of survey no.102/2 measuring an extent of 1 acre and 96 cents at Ayyamperumalpatti, Salem being the subject matter of the land acquisition proceedings pursuant to the notification 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 in GO.Ms.No.18 Housing and Urban Development Department dated 04.01.1983 is having lapsed under Section 24(2) of the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(prayer amended vide order dated 10.03.2025 made in WMP.No.24976 of 2024 in WP.No.44511 of 2006).

For Petitioners : Mr.AR.L.Sundaresan,
Senior Counsel
for Mr.AR.Karthik Lakshmanan



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W.P.Nos.44494 of 2006, etc. batch

For Respondents

For R1 : Mr.T.Arun Kumar,
Additional Government Pleader

For R2 : Mr.J.Pachiyappan,
Standing Counsel

COMMON ORDER

Some of the writ petitions were originally filed for direction to the respondents to re-convey the respective petitioners, their respective lands, which were already acquired by the Housing Board. By an order dated 15.10.2014, this Court moulded the relief and held that the entire acquisition proceedings shall be treated as lapsed and on such lapse, the petitioners are entitled to get re-conveyance of their respective lands. Further, the respondents were directed to re-convey their respective lands in question. Aggrieved by the same, the Tamil Nadu Housing Board filed writ appeals and the Hon'ble Division Bench of this Court by an order dated 03.08.2023, set aside the order passed in the writ petitions and all the writ petitions were remitted back to this Court to take appropriate decision and to decide the issue afresh on its own merits after giving opportunity to all the parties concerned.

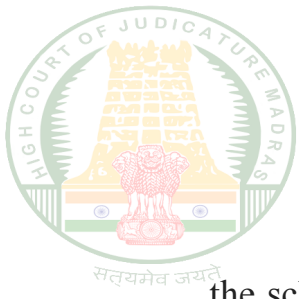


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2. In order to acquire the subject lands, notice under Section 4(1) dated 04.09.1981 under the Land Acquisition Act, 1984 was issued for the benefit of Tamilnadu Housing Board. It was followed by Section 6 Declaration notice dated 04.01.1983. At that juncture, acquisition proceedings were challenged by way of writ petitions and all the writ petitions were dismissed. The writ appeals also confirmed the order passed by the learned Single Judge of this Court and gave liberty to the land owners to agitate their contentions that the award was passed beyond the period of limitation and to approach the Government for exemption of their respective lands from the acquisition by giving specific particulars. Accordingly, the petitioners submitted their representations to authorities concerned for exemption of their respective lands from acquisition and on the failure of the authorities to consider the same, they approached this Court by way of these writ petitions.

3. They sought for exemption on the ground that the subject lands are wet agricultural lands and they are situated in the fringe area of



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the scheme. Further, award was also not passed within a stipulated time.

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The possession of the subject lands has been with them till today. So far, the Tamilnadu Housing Board did not subject the lands to any utility as on date. During the pendency of the writ petitions, the new Act came into force as Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 hereinafter called as 'new Act' with effect from 01.01.2014. As per Section 24(2) of the new Act, when an award in respect of acquisition is passed within a period of five years or more prior to the commencement of the new Act, but the physical possession of the land has not been taken or the compensation has not been paid, the entire proceedings shall be deemed to have lapsed. However, the land acquisition proceedings can be initiated afresh in accordance with the provisions of the Act. Applying the said principles, all the writ petitions were allowed by moulding the relief and directed the respondents to re-convey the subject lands to the respective petitioners. However, the Division Bench of this Court held that they sought for direction to re-convey their subject lands under Section 48(b) of the Land Acquisition Act. The petitioners did not raise



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any ground under the new Act to declare the entire land acquisition proceedings as lapsed. That apart, the Tamil Nadu Housing Board represented that the possession of the respective lands was already taken and the compensation amounts were also duly deposited as per the provisions of the Act. Therefore, when there was no prayer to declare the entire acquisition proceedings as lapsed under Section 24(2) of new Act, the writ petitions ought not have been allowed and declared that the entire proceedings get lapsed.

4. After remanding those writ petitions, all the petitioners raised new grounds by way of miscellaneous petitions and the same have been duly allowed by this Court. During the pendency of these writ petitions, some of the petitioners also died and their legal heirs have been substituted as party to these writ petitions.

5. Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

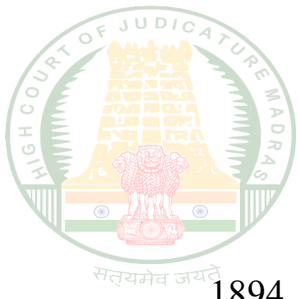


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6. On perusal of the additional grounds raised by the petitioners, it is revealed that though award was passed, no compensation has been paid so far and the physical possession of the subject lands has not been taken by the respondents. The possession and enjoyment of the subject lands continue with the petitioners. Therefore, the land acquisition proceedings have lapsed in view of Section 24(2) of new Act for the reason the twin conditions have not been satisfied by the respondents. It is settled law that if the above two conditions are not satisfied, the entire land acquisition proceedings are lapsed. Though the respondents stated that compensation amounts were deposited as per the awards, no notice as mandated under Section 12(2) of the Land Acquisition Act has been issued to the respective petitioners. As such, the same cannot be considered as proper rendering of compensation amount. Therefore, the entire land acquisition proceedings have to be declared as lapsed.

7. In view of the above discussion, the land acquisition proceedings initiated under Section 4(1) of the Land Acquisition Act,



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1894, vide G.O.Ms.No.18 dated 04.09.1981 of the first respondent, followed by Rule 6 Declaration issued vide G.O.Ms.No.723/83 dated 04.09.1983 of the first respondent and all other consequential proceedings of the respondents, with respect to the subject lands belonging to the petitioners, stand lapsed, in view of Section 24(2) of the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Consequently, the respondents are directed to effect necessary changes in the revenue records, by incorporating the names of the petitioners with respect to the said lands.

8. In the result, all the writ petitions stand allowed.

02.09.2025

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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W.P.Nos.44494 of 2006, etc. batch

G.K.ILANTHIRAIYAN, J.

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To

- 1.The Secretary,
Housing & Urban Development Department,
Fort St.George, Chennai-9
- 2.The Chairman,
Tamilnadu Housing Board,
Nandanam,
Chennai-18
- 3.The Government Advocate,
High Court of Madras

W.P.Nos.44494, 44507, 44508, 44495, 44498,
44510 & 44511 of 2006

02.09.2025