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W.A. No.2298 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.A. No.2298 of 2022
and
C.M.P. No.17534 of 2022

1.S.Palanisamy
2.S.Chinnasami
3.S.Devaraj
4.Savithri
5.Arun Karthik
6.Vasanth Karthik

... Appellants

Vs.

1.The Government of Tamil Nadu
rep. by its Secretary,
Department of Urban Development,
Fort St. George, Chennai – 600 009.

2.The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai – 600 034.

3.The Special Tahsildar (Land Acquisition),
Housing Scheme No.II,
Coimbatore – 641 018.

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 19.09.2022 passed in W.P.No.19006 of 2018.



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For Appellants : Mr.S.Thangavel
for Mr.P.K.Rajagopal

For Respondents : Ms.Akila Rajendran,
Government Advocate for R1 and R3
Mr.M.Arun Kumar,
Standing Counsel for R2

JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

Intra-Court appeal on hand has been instituted to assail writ order dated 19.09.2022 in W.P.No.19006 of 2018.

2. Writ petitioners are the appellants. Writ petition has been instituted to declare the acquired land as lapsed under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).

3. Section 4(1) Notification was issued on 03.05.1991. Section 5(A) enquiry was conducted by Land Acquisition Officer by following the procedures and by conducting enquiry on 18.12.1991, 03.01.1992 and 06.01.1992. Section 6 declaration was issued on 04.06.1992 in G.O.Ms.No.288 Housing and Urban Development Department dated 09.06.1992. Award No.10 of 1994



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was passed on 02.06.1994. Section 12(2) notice was received by legal heirs by affixing the signature on behalf of Thiru.Subbanna Gounder (erstwhile land owner). On 02.08.2001, Thiru.Subbanna Gounder being father of appellants 1 to 4 and grandfather of appellants 5 and 6 filed W.P.No.9682 of 1994 challenging the land acquisition proceedings and the writ petition was dismissed by this Court on 02.08.2001. Possession of subject land along with other lands were handed over by Tahsildar, Land Acquisition to the Tamil Nadu Housing Board on 07.09.2007. Thereafter, W.P.No.8005 of 2012 was filed by Mr.S.Palanisamy and others (legal heirs of Thiru.Subbanna Gounder) to dispose of the representation submitted under Section 48(b) of the Land Acquisition Act. The Government rejected the claim for reconveyance of the acquired land vide proceedings dated 31.08.2012. The rejection order came to be challenged in W.P.No.32922 of 2012 and the said writ petition was disposed of by upholding the rejection order of the Government dated 31.08.2012. Again, W.P.No.16840 of 2016 was filed by Mr.S.Palanisamy and others (legal heirs of Thiru.Subbanna Gounder) to consider the representation. Once again, said representation was rejected by the Government for reconveyance of the acquired lands. Therefore, it is apparently clear that the request made by the legal heirs of the erstwhile land owners was rejected by the Government twice.

4. Writ Court also made a finding that the claim of the erstwhile land



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owners to reconvey the land was rejected twice. That apart, in paragraph Nos.23 and 24 of the judgment, writ Court made a finding that possession was taken and the compensation was deposited since the land owners refused to receive the compensation. This being the factual position elaborately adjudicated by the writ Court, appellants are not entitled to secure relief under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013). Consequently, writ appeal stands dismissed. Connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.]

[M.S.Q., J.]

17.11.2025

Index:Yes/No

Neutral Citation:Yes/No

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To

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