



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.2436 of 2022

and

C.M.P.No.18801 of 2022

Parameswari

... Appellant(s)

Vs.

1. State of Tamil Nadu, Rep. by its Commissioner & Secretary,
Housing & Urban Development, Fort St.George, Chennai.
2. The Chairman and Managing Director,
Tamil Nadu Housing Board, Nandanam, Chennai – 600 035.
3. The Revenue Divisional Officer,
Tamil Nadu Housing Board,
Land Acquisition Incharge,
Vellore District, Vellore.

... Respondent(s)

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 27.08.2021 passed in W.P.No.25225 of 2014.

For Appellant(s) : Mr.D.Rajagopal

For R1 : Mr.D.Ravichander,
Special Government Pleader



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For R2 & R3 : No appearance

J U D G M E N T

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

The writ appeal has been instituted challenging the writ order dated 27.08.2021 passed in W.P.No.25225 of 2014.

2. It is not in dispute between the parties that the land acquisition proceedings came to an end and the acquired land absolutely vests with the Government. The Tamil Nadu Housing Board is the requisitioning body, which has taken over the land for development of housing schemes.

3. In the present case, the acquisition was completed in the year 1987. The appellant challenged the acquisition proceedings and was unsuccessful. When the entire land acquisition proceedings became final and the requisitioning body, viz., the Tamil Nadu Housing Board, had taken possession over the land, the writ petition has been instituted in the year 2014 under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,

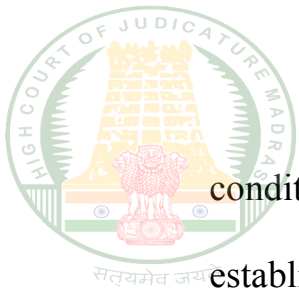


2013 (hereinafter referred to as “the Act, 2013” for short), stating that the acquisition proceedings had lapsed.

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4. The appellant mainly raised a ground that the compensation amount was not deposited. Secondly, possession was not taken. In respect of compensation, the respondents could not establish that an award was passed in Award No.6 of 1989, dated 15.03.1989, and thereafter, possession of the property was taken by the Government and handed over to the Tamil Nadu Housing Board. The compensation amount was also deposited in the Revenue Deposit. Once the authorities have established the said factum, the appellant is not entitled to avail the benefit under Section 24(2) of the Act, 2013.

5. The learned Single Judge, in Paragraph No.6, made an observation that the petitioner had produced a photograph showing that the petitioner is in possession and enjoyment of the subject property even till today. Even presuming that the petitioner had taken such a photograph, he is to be construed as an encroacher, since the compensation amount was deposited long back and, as per the Government, the land was handed over to the Tamil Nadu Housing Board. That being the factum, the twin



conditions contemplated under Section 24(2) of the Act, 2013, has not been established, and thus, the appellant is not entitled for the relief under Section 24(2) of the Act, 2013.

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6. That apart, the Constitution Bench of the Hon'ble Supreme Court of India in the case of ***“Indore Development Authority -vs- Manohar Lal”*** reported in **2020 (8) SCC 129**, settled the principle that if any one of the conditions is complied with, that would be sufficient, and the acquisition proceedings cannot be declared as lapsed.

7. In the present case, the appellant could not able to establish his case and, consequently, the writ order stands confirmed and the writ appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S.,J.) (C.S.N.,J.)
02.09.2025

skr
Index : Yes
Speaking order



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To

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