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W.A. No.155 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

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

W.A. No.155 of 2022
and C.M.P. Nos.1069 and 1070 of 2022

1.M.Gnanasubramaniam (died)
2.G.Pankajam ... Appellant
(sole appellant died and 2nd appellant brought on
record as LR of the deceased sole appellant vide
order dated 04.11.2024 made in C.M.P. Nos.21557,
21558 and 21560 of 2024 in W.A.No.155 of 2022)

Vs.

1.The Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.

2.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai – 600 035.

3.The Land Acquisition Officer and
Special Tahsildar (Land Acquisition),
Housing Development Scheme No.1,
Coimbatore – 641 018.

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4. The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad, Coimbatore – 641 012.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 13.09.2021 in W.P. No.41611 of 2016.

For Appellant	: Mr.G.Sankaran, Senior Counsel for Mr.S.Nedunchezhiyan
For Respondents	: Mr.D.Ravichander, Special Government Pleader for R1 and R3 Mr.P.Kumaresan, Additional Advocate General assisted by Mr.M.Arun Kumar, Standing Counsel for R2 and R4

JUDGMENT

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

Writ appeal has been instituted to assail the writ order dated 13.09.2021 passed in W.P.No.41611 of 2016.

2. Writ petitioner is the appellant before this Court. Writ petition has been instituted challenging award dated 29.10.1999 passed by Land

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Acquisition Officer and Special Tahsildar (Land Acquisition), Housing

Development Scheme, Coimbatore, in respect of properties comprised in Survey Nos.539/2A and 539/4 situated at Vella Kinar Village, Coimbatore Town and Taluk to an extent of 0.35.0 and 0.07.5 hectares respectively.

3. It is not in dispute that subject properties were acquired for developing housing scheme by Tamil Nadu Housing Board. The Government acquired subject properties by following procedures as contemplated under the Land Acquisition Act, 1894. Award No.1 of 1999 came to be passed on 29.10.1999. Pursuant to said award, compensation was also deposited on 25.05.2000 on the file of Principal Subordinate Court, Coimbatore. In respect of possession, subject properties were taken over by Government and handed over to Tamil Nadu Housing Board on 03.01.2008. Writ appellant would submit that compensation has not been deposited either before Court or in Revenue deposit. Therefore, appellant is entitled to avail the benefit to resume acquired property under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013



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(30 of 2013) {hereinafter referred to as New Land Acquisition Act, 2013}.

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4. Writ Court has considered the issues in the light of legal principles settled by Hon'ble Supreme Court of India in the case of **Indore Development Authority vs. Manoharlal And Ors. Etc. reported in (2020) 8 SCC 129** and dismissed the writ petition on the ground that twin conditions stipulated under Section 24(2) of New Land Acquisition Act, 2013 have been complied with and therefore, the appellant is not entitled for relief.

5. In the present case, Award No.1 of 1999 was passed on 29.10.1999 and writ petition came to be instituted in the year 2016. However, writ Court recorded the submission of Government that the amount was deposited after passing of an award in the year 1999 and possession was taken over and handed over to the Tamil Nadu Housing Board/requisitioning body. All along Tamil Nadu Housing Board is in possession of subject properties. Subject properties situate in Coimbatore city and on account of sky-rocketing of market value of properties, these erstwhile owners are attempting to file writ



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petitions in order to resume properties after several decades. Such practice of erstwhile land owners in respect of concluded land proceedings after several years cannot be encouraged by this Court.

6. In this context, constitution Bench of Hon'ble Supreme Court of India in the case of **Indore Development Authority** (cited supra), in paragraph No. 366.9 held as under:

'366.9 Section 24(2) of the Act of 2013 does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.'



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7. Such claims made after several years are to be construed as stale

claims and cannot be entertained by High Courts. Learned Special Government Pleader would bring it to the notice of this Court that the original appellant himself has not pleaded in his affidavit that the award amount has not been deposited soon after passing of Award No.1 of 1999. In the absence of any such pleading, now it cannot be raised for the purpose of availing benefit under Section 24(2) of New Land Acquisition Act, 2013. It is made clear that stale claims made after several years for resumption of lands in respect of acquired lands cannot be encouraged by Courts.

8. In view of above factum, this Court does not find any infirmity in respect of writ order and consequently, the same is confirmed. Writ appeal stands dismissed. Connected miscellaneous petitions are closed. There shall be no order as to costs.

[S.M.S., J.]

[M.S.Q., J.]

03.11.2025

Index:Yes/No



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Neutral Citation:Yes/No
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