



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

W.P.No.12117, 12118 and 12119 of 2017, AND
WP NO. 25319 OF 2005 and W.P.M.P.No.27722 OF 2005,

W.P.No.12117 of 2017

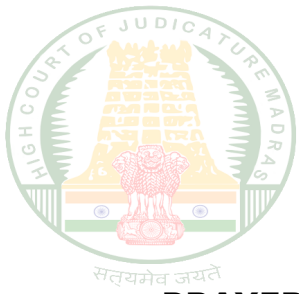
1. V.A.Purushothaman (DECEASED)
- 2.T.Malathy,
- 3.Srinithi.V.P.
- 4.Sriprasadh.T.P.
(P2 To P4- Are Substituted As LR's Of
Deceased P1, As Per Order Dated
05.06.2024 In Wmp.3458/2024 In
Wp.12117/2017 By JSNPJ)

... Petitioners

Vs

1. The Secretary to Government,
Education Department, Fort St.
George, Chennai-9.
- 2.The District Collector,
Office Of The Collector Of Thiruvallur,
Thiruvallur, Thiruvallur District
- 3.The Revenue Divisional Officer
Land Acquisition Officer, Ambattur,
Thiruvallur District

... Respondents



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

PRAYER

Writ Petition under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in respect of the impunged Order in Na.Ka.29705/ F3/2004 dated 22.2.2017 and quash the same and consequently direct the respondents to restore the possession of Acre 54.75 cents in S.No.13/3 Kathivakkam Village to the petitioner by handing over physical possession.

WP No. 12118 of 2017

S.Nehru

Petitioner

Vs

1. The Secretary to Government,
Education Department, Fort St.
George, Chennai-9.

2.The District Collector,
Office of the Collector of Thiruvallur,
Thiruvallur, Thiruvallur District

3.The Revenue Divisional Officer
Land Acquisition Officer, Ambattur,
Thiruvallur District

... Respondents

PRAYER

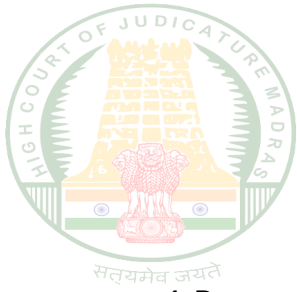
Writ Petition under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in respect of the impunged Order in Na.Ka.29705/ F3/2004 dated 22.2.2017 and quash the same and consequently direct the respondents to restore the possession of Acre 0.6 cents in S.No.13/3 Kathivakkam Village to the petitioner by handing over physical possession.

WP No. 12119 of 2017

1. S.Veerachandran (DECEASED)

2.Ponmozhi,w/o.S.Veerachandran,

3.Nadhiya,d/o.S.Veerachandran,



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

WEB COPY

4.Raveena,d/o.S.Veerachandran,

5.Saravanaperumalraja,
(P2 To P5 Are Substituted As LR's Of
Deceased P1, As Per Order Dated
23.01.2024 In Wmp.31415/2023 In
Wp.12119/2017 By PVJ)

... Petitioners

Vs

1. The Secretary to Government,
Education Department, Fort St.
George, Chennai-9.

2.The District Collector,
Office of the Collector of Thiruvallur,
Thiruvallur, Thiruvallur District

3.The Revenue Divisional Officer
Land Acquisition Officer, Ambattur,
Thiruvallur District

... Respondents

PRAYER

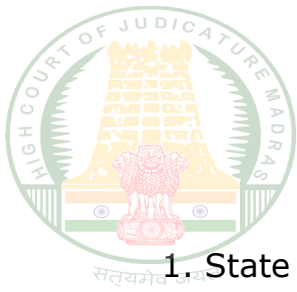
Writ Petition under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in respect of the impugned Order in Na.Ka.29705/ F3/2004 dated 22.2.2017 and quash the same and consequently direct the respondents to restore the possession of Acre 11.25 cents in S.No.13/3 Kathivakkam Village to the petitioner by handing over physical possession.

W.P No. 25319 of 2005

Anand Transport (p) Ltd.
Rep. By Its Head Group Hrd, No.1,
9th Street, Radhakrishnan Salai,
Mylapore, Chennai-4.

... Petitioner

Vs



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

1. State Of Tamil Nadu,
Rep. By Its Secretary, School
Education Department, Chennai-9.

2.The Land Acquisition Officer
Andf Revenue Divisional Officer,
Saidapet, Chennai.

... Respondents

PRAYER

Writ Petition under Article 226 of the Constitution for a Writ of Certiorarified Mandamus to call for the records relating to school education department letter No.37869/XI/2004-6 dated 10.6.2005 and quash the same and to direct the respodnents to re-convey the land bearing S.No.13/2 and S.No.13/3 (1.5 Acres and 0.80 Acres respectively) measuring an extent of 2.30 Acres or thereabouts in Kathivakkam Village, Saidapet Taluk, Chengalpattu District.

For Petitioners : M/s.S.S.Swaminathan
in W.P.Nos.12117, 12118 and
12119 of 2017

Mr.Ramesh Venkatachalapathy
for Mr.T.Sriram in
W.P.No.25319 of 2005

For Respondent(s): Mr.J.Ravindran
Additional Advocate General
assisted by Mr.P.Sathish
Additional Government Pleader
- in all W.Ps.

COMMON ORDER

These writ petitions have been filed challenging the proceedings of the second respondent dated 22.02.2017 and for a consequential direction to the respondents to restore possession of the subject property to the petitioners by handing over physical possession.



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

WEB COPY

2. When these writ petitions came up for hearing on 10.02.2025,
this Court passed the following order.

“ The issue involved in these four writ petitions has been captured in the earlier order passed by a learned Single Judge of this Court in the order dated 21.12.2017. In the said order, the respondents were directed to file a counter and to specifically address three issues, which are as follows :

"a. Will not quashing G.O.Ms.No.1333, Education (XI) dated 24.9.1990 in W.A.No.835 of 2014 enure to the advantage of the petitioners?

b. Whether any compensation was deposited and if so, when and whether the petitioners were put on notices?
and

c. Whether any notice of passing of award was given to the petitioners?"

2. The respondents were also directed to file a typed set of papers containing all the relevant materials to answer the queries that were posed by this Court. Pursuant to the above order, a counter has been filed by the first respondent in these writ petitions along with a typed set of papers.

3. Pleadings are complete. Post these writ petitions finally on 17.2.2025. It is made clear that no further adjournment will be granted in these cases.”



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

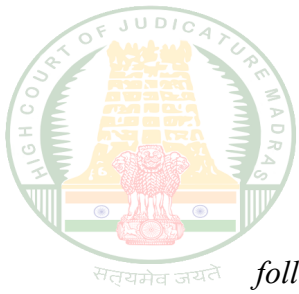
WEB COPY

3. The matter was once again listed for hearing on 26.03.2025 and this Court heard the learned counsel for the petitioners and the learned Additional Advocate General on behalf of the respondents.

4. The impugned proceedings dated 22.02.2017 of the second respondent pertains to the rejection of the request made by the petitioners seeking for re-conveyance of the subject property. During the course of hearing, it was contended that neither the compensation amount was paid, nor possession was taken and hence the petitioners are entitled for a declaration to declare the acquisition proceedings as lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Rehabilitation and Resettlement Act of 2013.

5. When the matter came up for hearing on 26.03.2025, it was clarified that the order that was passed in the writ appeal confined itself only to S.No.13/1 and in order to substantiate the said submission, the learned Additional Advocate General placed specific reliance upon Para 10 of the order and the same is extracted hereunder.

“ 10. Considering the above stated facts and circumstances and applying the law laid down by the Hon'ble Supreme Court which has been



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

WEB COPY

followed by the Division Bench of this Court as stated supra, the writ appeal is allowed and the acquisition proceedings initiated against the appellants' land in pursuant to the notification issued in G.O.Ms.No.1333, Education Department dated 24.09.1990 are quashed. However, it is open to the respondents to initiate proceedings fresh in terms of the Central Act 30 of 2013, if the circumstances so warrant. No costs."

6. Learned Additional Advocate General submitted that the present writ petitions pertain to the properties in S.Nos.13/2 and 13/3 and possession was taken as early as on 07.09.2004. Insofar as the compensation amount is concerned, it was initially deposited in the revenue deposit and thereafter it has been deposited before the concerned Court in the year 2017 itself. It was submitted that even assuming that the compensation amount was not properly tendered, it is an admitted case that possession has already been taken and therefore since the twin conditions are not satisfied as mandated in the judgment of the Apex Court in **2020 (8) SCC 129 (Indore Development Authority -vs- Manoharlal and Others)**, it was submitted that the acquisition proceedings cannot be declared as lapsed.

7. Learned counsel for the writ petitioners submitted that the possession was not taken by drawing a Panchanama as was mandated in



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

the said judgment and therefore there is no question of taking possession of the property and that the possession continues to be with the petitioners.

8. Insofar as the issue of possession is concerned, the very relief that has been sought for by the petitioners in all these writ petitions is for re-conveyance of the property. That means that the property is not in the possession of the petitioners and the petitioners want the respondents to re-convey the property. Therefore, going by the admitted case of the petitioners, they are not in possession of the property. If the petitioners are not in possession of the property, the twin conditions are not satisfied as mandated in the judgment of the Apex Court in **Indore Development Authority** case referred supra. Therefore, this Court cannot declare the acquisition proceedings to have lapsed.

9. Apart from the above, this Court carefully went through the impugned proceedings of the second respondent dated 22.02.2017. On going through the same, the second respondent has assigned sufficient reasons as to why the subject property cannot be re-conveyed in favour of the petitioners and this Court does not find any illegality in the order passed by the second respondent. Once the lands stands vested with the Government, even if the petitioners are in possession of the property,

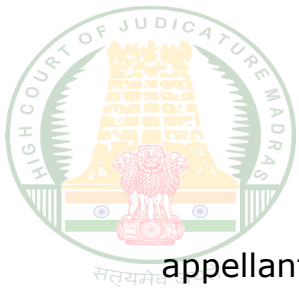


W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

they can only be termed as trespassers. I had an occasion to deal with a similar issue in W.P.No.1955 of 2011 etc., batch dated 12.03.2025 and the following findings were rendered at Para 26 of the order.

“ 26. In W.P.No.1955 of 2011, while challenging the sale notice issued by the TNHB, the petitioner actually sought for the re-conveyance of the properties acquired at least to an extent of 90 cents. At one stage, the land owners themselves understood and claimed for the re-conveyance of the lands on the ground that they were not utilized. If the land owners are seeking for re-conveyance of the lands, on the ground that they were not utilized. If the land owners are seeking for re-conveyance of the lands, that would only mean that possession has been taken over by the TNHB. In spite of it, if they managed to be in possession of the properties, they can be termed only as 'trespassers'.”

10. Insofar as the payment of compensation is concerned, it is brought to the notice of this Court that the compensation amount has been deposited in the concerned Court in the year 2017 itself. If at all the petitioners have any grievance regarding the compensation amount, they should agitate the same independently in the manner known to law and that issue cannot be gone into in these writ petitions. The order passed by the Division Bench in W.A.No.835 of 2014 dated 23.07.2014 will not cover the entire acquisition proceedings and it confines only to the



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

appellants before the Division Bench and it pertained to S.No.13/1.

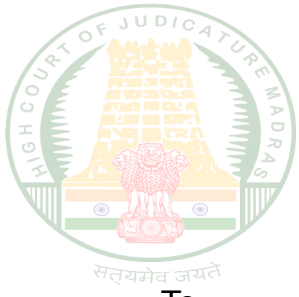
Hence, the same cannot be taken advantage by the petitioners and the said order does not extend to the acquisition proceedings which covers S.Nos.13/2 and 13/3.

11. In the light of the above discussion, the relief as sought for by the writ petitioners cannot be granted by this Court and all these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

28-03-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

KST



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

To
WEB COPY

- 1.The Secretary to Government,
Education Department, Fort St.
George, Chennai-9.
- 2.The District Collector,
Office Of The Collector Of Thiruvallur,
Thiruvallur, Thiruvallur District
- 3.The Revenue Divisional Officer
Land Acquisition Officer, Ambattur,
Thiruvallur District
- 4.State Of Tamil Nadu,
Rep. By Its Secretary, School
Education Department, Chennai-9.
- 5.The Land Acquisition Officer
And Revenue Divisional Officer,
Saidapet, Chennai.



WEB COPY



W.P Nos.12117, 12118 and 12119 of
2017 and W.P.No.25319 of 2005

N.ANAND VENKATESH, J.

KST

**W.P Nos.12117,
12118 and 12119 of
2017 & W.P.No.25319
of 2005**

28-03-2025