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W.P.No.31406 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM

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

W.P.No.31406 of 2019

and

W.M.P.Nos.31577 & 31578 of 2019

1. P.Rajagopal
2. R.Murugesan
3. R.Pushpa
4. P.Jayalakshmi
5. S.Umarani
6. Ramesh

..... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by its Secretary,
Housing and Urban Development Department,
Fort.St.George, Chennai-600 009.

2. The Special Tahsildar (LA)
Housing Scheme Unit- III
Tatabad, Coimbatore-12
Coimbatore District.

3. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Coimbatore-12

..... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Declaration, declaring the entire acquisition proceedings initiated by the first Respondent by virtue of the notification issued u/s 4(1) of the old L.A. Act on 17.8.1982 in G.O.Ms.No. 820 (Housing and Urban Development) Department and the award in Award No 11/87 dated 04.12.1987 passed by the second Respondent in respect of the subject land of an extent of 3.07 acres comprised in S.F.No 343/part as per the notification u/s 4(1) of the old L.A.Act dated 17.08.1982 and as per award proceedings dated 04.12.1987 comprised in S.F.No.343/1, situated at Telegupalayam Village, Coimbatore District belonging to the petitioners, lapsed by the virtue of Section 24 (2) of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

For Petitioners : Mr.G.Sankaran
Senior Counsel
for Mr.S.Neduncheziyan

For R1 & R2 : Mr.G.Velu
Additional Government Pleader

For R3 : Mr.V.Gunasekar
Standing Counsel

ORDER

This Writ Petition has been filed challenging the acquisition proceedings initiated by the first respondent by virtue of the notification issued u/s 4(1) of the Land Acquisition Act on 17.08.1982 in G.O.Ms.No.



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820 (Housing and Urban Development) Department and the award in Award No 11/87 dated 04.12.1987 passed by the second respondent in respect of the subject land to an extent of 3.07 acres comprised in S.F.No 343/part as per the notification u/s 4(1) of the Land Acquisition Act dated 17.08.1982 and as per award proceedings dated 04.12.1987 comprised in S.F.No.343/1, situated at Telegupalayam Village, Coimbatore District belonging to the petitioners, lapsed by the virtue of Section 24 (2) of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. Similarly placed land owners had challenged the very same acquisition proceedings arising out of the same notification and award before this Court in a batch of writ petitions in W.P.Nos.13613 of 2013 and etc. batch and by order dated 15.04.2016, this Court quashed the entire acquisition proceeding. The relevant portion of the order passed in W.P.Nos.13613 of 2013 and etc. batch, dated 15.04.2016, reads



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as follows :-

“7. Counter affidavits have been filed by the Special Tahsildar, wherein it has been admitted that possession has not been taken over. From the counter affidavit, it is further clear that the petitioners along with other land owners filed W.P.No.5012 of 1987 and obtained an order of interim stay on 14.05.1987, which was subsequently modified on 17.09.1987, by permitting all other proceedings, except that the land owners should not be dispossessed. Therefore, the notices under Sections 9(3) and 10 of the Act were served on the land owners and interested persons and the Award enquiry was conducted on 09.03.1987 and 10.03.1987 and the Award was passed on 04.12.1987.

8. Further, it is admitted in the counter affidavit that the Writ Petition in W.P.no.5012 of 1987, filed by the petitioners/land owners were allowed on 30.10.1991 and the Writ Appeal against the said order by the Government in W.A.No.548 of 1995 was allowed by the Hon'ble Divisional Bench on 27.11.1996. Further, in page No.5 of the counter affidavit, it is admitted that the possession was not taken as Court proceedings were pending in other cases, mutation of the revenue records was not done and the petitioner were not willing to part with their lands.



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9. *Therefore, it is admitted by the second respondent that the possession has not been taken over. That apart, a separate tabulated statement showing the details of the lands taking over possession and compensation paid to the land owners, has been filed by the second respondent, from which it is seen that in all these cases, possession has not been taken. Therefore, this is a fit case to hold that the land acquisition proceedings are deemed to have lapsed under Section 24(2) of the Act 30/13. In the light of the above, there would not be any necessity to examine as to whether the compensation has been paid or not.*

10. *The specific case of the petitioners is that they were neither dispossessed nor any compensation has been paid to the land owners. With regard to that aspect, in the counter affidavit, it has been stated that the compensation amount were sent to the Civil Court to be deposited as per Section 30 of the old Act. The learned counsel for the Housing Board submitted that the attested true copy of the challan dated 08.07.1994, issued from the office of the Special Tahsildar (L.A.) Housing Scheme No.3, Coimbatore, to show that the cheque was drawn on State Bank of India, Coimbatore, in favour of the Principal Subordinate Judge, Coimbatore, for Rs.6,78,984/- was issued.*



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11. Though it may be true that such a cheque was issued, there is no proof to show that the cheque dated 08.07.1994, had been deposited before the Civil Court, there is no receipt or proof to show before this Court to establish that the amount has been deposited. Further, from the tabulated statement give by the second respondent, it is seen that the deposit details are not available in the Sub Court, Coimbatore. If that be the case, then it has to be held that the respondents have not been able to establish that the amount of compensation as stated, has been tendered or deposited before the Court. Hence, this point also has to be decided in favour of the petitioners.

12. In view of the above discussions, the provisions of Section 24(2) of Act 30/13, would be attracted and consequently, the entire land acquisition proceedings stand lapsed. However, it is always open to the respondents to issue fresh Notification under the provisions of Act 30/13, if they so desire.”

4. Further, the said order was also confirmed by the Hon'ble Single Bench of this Court in a batch of writ appeals in W.A.Nos.1398 of



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2021 and etc batch, dated 01.08.2024. The relevant portion is extracted hereunder :

“8. In view of the contradictory submissions made between the parties, this Court directed the Registrar (Judicial), High Court of Madras to verify whether the compensation amount has been deposited in the present case. Upon verification, the Report of the Principal Sub-ordinate Judge, Coimbatore is produced before this Court by the Registrar (Judicial), High Court of Madras. The Report of the learned Principal Sub-Judge dated 31.07.2024 reads as under:

From P.K.Sivakumar, Principal Subordinate Judge, Coimbatore.	To The Hon'ble Principal District Judge, Coimbatore.
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D.No.155/24

Dated:31.07.2024

Honoured Madam,

Sub:	Cases - Civil Cases - Common order received from the Hon'ble High Court of Madras in W.A.No.1398, 1392 to 1394, 1396, 1403 and 1404 of 2021 in W.P.2383, 2388, 2391, 2394, 2398, 2401 to 2404 of 2019 and CMP.Nos.8638, 8644, 8646, 8649, 8652, 8664 and 8675 of 2021 dated 25.07.2024 - Received - Report called for - Submission - Regarding.
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Ref:	Phone message received from the Hon'ble Registrar (Judiciary), High Court of Madras, Chennai on 29.07.2024.
	Official memorandum received from the



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Hon'ble Principal District Court in A.No.1187/2024 D.No.673 of 2024 dated 29.07.2024
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I humbly submit that, as per reference cited above the compensation in Award No.11 of 1987 dated 04.12.1987, the award amount of Rs.6,78,984/- has not been deposited in LA.No.13 of 1981 (Award No.11 of 1987) by the Land Acquisition Officer on the file of Principal Subordinate Judge, Coimbatore. I further submit that the above particulars verified in the Deposit Register, Cheque Issue Register, Ledger and Repayment Register. The connected award number in LA.No.13 of 1981 (Award No.11 of 1987) so far LAOP also has not been numbered in this Court.

This is submitted for your Honour's kind information.

Yours faithfully,
sd/-

Principal Subordinate Judge,
Coimbatore.

9. *In view of the fact that the possession had not been taken from the land owners and the appellant could not able to establish that they have deposited the compensation amount before the Court concerned, Section 24 (2) of the Land Acquisition of the year 2013 would apply in the present case. The twin conditions contemplated by the Constitution Bench Judgment in **Indore Development Authority v. Manoharlal and ors** reported in (2020) 8 SCC 129, have been violated. Thus, the respondents are entitled for the relief and the land acquisition proceedings are to be construed as non est, in view of the non compliance of either of the conditions as stipulated in **Indore***



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Development Authority case”.

5. In view of the above, the petitioners are also entitled for the same benefits, and the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) would be attracted. Consequently, the entire land acquisition proceedings stand lapsed. However, it is always open to the respondents to issue fresh notification under the provisions of Act 30 of 2013, if they so desire.

6. In the result, this Writ Petition stands allowed. Consequently, connected miscellaneous Petitions are closed. No costs.

15.09.2025

Internet : Yes
Index : Yes/No
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G.K.ILANTHIRAIYAN, J.

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