



WEB COPY

WP No. 33467 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 33467 of 2025

and WMP NO. 37596 and 37599 OF 2025

1. T.Kalarani

2.R. T. Suresh

Petitioner(s)

Vs

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

2.The Chairman,
Tamil Nadu Housing Board,
Nandanam Chennai 600 006.

3.The District Collector,
Salem District.

4.The Executive Engineer,
Tamil Nadu Housing Board,
Salem Housing Unit,
Ayyanthirumaligai Road,
Salem 636 008.

5.The Tashildar (west)
Salem District.



Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of Constitution of India, restraining the 2nd to 5th respondents not to interfere with the petitioners peaceful possession and enjoyment of the property the further directing the 1st and 2nd respondents to adhere the provisions in section 24 (2) of the RFCTLARR Act 2013 or to comply section 48(b) of Land Acquisition Act and consequently directing the 1st to 2nd respondents to consider the petitioners representations dated 17.07.2025 in light of the policy laid down under G.O. Ms No 179 Housing and urban Development Department, dated 11.12.2023 in Survey nos 2/10, 2/11 and 2/13 situated in Alagapuram Pudur village, Salem District.

For Petitioner(s): Mr. M.Dinesh

For Respondent(s): Mr. T.M. Rajangam, GA for R1, 3,5
Mr. J.Pachayappa For R2 and R4

ORDER

This writ petition has been filed restraining the 2nd to 5th respondents not to interfere with the petitioners peaceful possession and enjoyment of the property the further directing the 1st and 2nd respondents to adhere the provisions in section 24 (2) of the RFCTLARR Act 2013 or to comply section 48(b) of Land Acquisition Act and consequently directing the 1st to 2nd respondents to consider the petitioners representations dated 17.07.2025 in light of the policy laid down under G.O. Ms No 179 Housing and urban Development Department, dated 11.12.2023 in Survey nos 2/10, 2/11 and 2/13 situated in Alagapuram Pudur village, Salem District.



2. It is the case of the petitioners that the petitioner is in continuous peaceful, and uninterrupted possession of the lands situated in S.No.2/10, 2/11 and 2/13 in Alagapuram Pudur Village, Salem District which were originally purchased by her late father in law and devolved upon her and her legal heirs. Although acquisition proceedings were initiated in 1978 and an award was passed in 1990, no compensation was paid to the petitioner prior to 01.01.2014 and no physical possession was ever taken by the authorities. The petitioner and her family members continued to occupy and use the land, including maintaining a family burial ground therein. Being so, the petitioner filed WP. No.34236 of 2014 and obtained a judgment declaring that the acquisition had lapsed under Section 24(2) of the Right to Fair Compensation Act, 2013. Although the appellate Court in W.A.No.1641 of 2016 reversed the same, a Review Application is currently pending. However, during pendency of the review, the 4th respondent issued an eviction notice dated 09.07.2025, prompting the petitioner to submit a representation dated 10.07.2024 and 17.07.2025 requesting withdrawal of such coercive actions. Hence, the present writ petition.

The learned counsel for the petitioners submitted that the

Heard the learned counsel for the petitioners and the learned Government Advocate and perused the materials available on record.

This Court is unable to understand when the writ appeal was allowed



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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1.The State Of Tamilnadu
Rep By Its Secretary, Housing And
Urban Development Department, Fort
St. George Chennai 600 009

2.The Chairman
Tamil Nadu Housing Board,
Nandanam Chennai 600 006

3.The Collector
Salem District

4.The Executive Engineer
Tamil Nadu Housing Board, Salem
Housing Unit, Ayyanthirumaligai
Road, Salem 636 008

5.The Tashildar (west)
Salem District

WMP No. 37596 of 2025

To

1.The State Of Tamilnadu
Rep By Its Secretary, Housing And
Urban Development Department, Fort
St. George Chennai 600 009

2.The Chairman
Tamil Nadu Housing Board,
Nandanam Chennai 600 006



3. The Collector
Salem District

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4. The Executive Engineer
Tamil Nadu Housing Board, Salem
Housing Unit, Ayyanthirumaligai
Road, Salem 636 008

5. The Tashildar (west)
Salem District

WMP No. 37599 of 2025

To

1. The State Of Tamilnadu
Rep By Its Secretary, Housing And
Urban Development Department, Fort
St. George Chennai 600 009

2. The Chairman
Tamil Nadu Housing Board,
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M.DHANDAPANI J.

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2025, WMP NO. 37599
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