



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 7487 of 2025

1. V.Thilagavathi

W/o Venkatesan No.104 Old No.58/3

Orandi Amman Koil Street Velachery

Chennai 600042

2.V.Tharabai

W/o Vijayadorai 13/6 Mgr Nagar 11th

Street Velachery Chennai 600042

3.G.Madhavi

W/o Ganesan 29/5 Old No.9/7 Anna

Street Thiruvanmyuir Chennai 600041

4.J.Karunambigai

W/o Jagadeesan No.3 Narayanachetty

Street Robitson Pettai Mandaveli

Chennai 6000028

5.S.Anbarasu

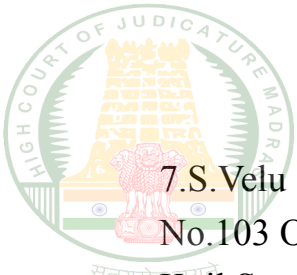
No.103 Old No.58/2 Orandi Amman

Koil Street Velachery Chennai 600004

6.S.Gnanam

No.103 Old No.58/2 Orandi Amman

Koil Street Velachery Chennai 600004



7.S.Velu

No.103 Old No.58/2 Orandi Amman

Koil Street Velachery Chennai 600004

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8.P.Roja

W/o S.Pugazhendhi No.103 Old

No.58/2 Orandi Amman Koil Street

Velachery Chennai 600004

9.P.Bharani

No.103 Old No.58/2 Orandi Amman

Koil Street Velachery Chennai 600004

10.S.Saravanan

No.7 1st Street Jagannathapuram

Velachery Chennai 600042

11.S.Kumar

No.7 1st Street Jagannathapuram

Velachery Chennai 600042

12.P.Usharani

W/o Prabakaran No.20 Ayarpadi Nalvar

Kovil Pettai Tirukalukundram

Kancheepuram 603109

Petitioner(s)

Vs

1. The State Of Tamil Nadu

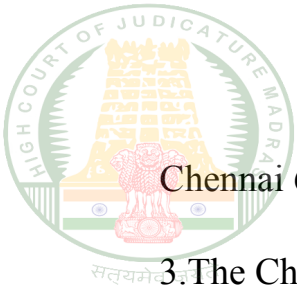
Rep By Secretary Government Housing

And Urban Development For St.George

Chennai 600009

2.The Special Tahsildar L.A.

Tamil Nadu Housing Board Nandanam



Chennai 600035

3.The Chairman

Tamil Nadu Housing Board Nandanam

Chennai 600035

4.The Chairman And Managing

Director

Chennai Metro Water And Sewerage

Board Chintadripet Chennai 600002

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for issuance of writ of Mandamus that the land acquisition in G.O.Ms.667/1981 and the acquisition proceedings in respect of 14 cents of vacant land in survey no.98/2A2 at Kannapar Nagar Thiruvanmiyur, Chennai 600041 belonging to the petitioners have lapsed by virtue of Sec.24(2) of the Right to Fair Compensation and Transperancy in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner(s): B.Sudarshan

For Respondent(s): Mr.A.Selvendran,
Special Government Pleader for
R1 and R2
Mr.A.M.Ravindranath Jeyapal
Standing counsel for R3 and R4



ORDER

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This writ petition has been filed to declare the acquisition proceedings initiated by the respondents as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [*hereinafter referred to as the “2013 Act”*].

2. Heard Mr.B.Sudharshan, learned counsel for the petitioners and Mr.A.Selvendran, learned Special Government Pleader for Respondents 1 and 2 and Mr.A.M.Ravindranath Jeyapal, learned Standing counsel for Respondents 3 and 4.

3. The acquisition of lands had taken place under the Land Acquisition Act, 1894 and 4(1) notification is of the year 1978 and Section 6 declaration is of the year 1981. The petitioners had earlier approached this Court and filed WP No.10910 of 2013 seeking for the payment of compensation to them in the prevailing market value. This writ petition was disposed of by an order dated 11.04.2022 in the following terms :-

5. Though very many grounds have been raised, learned counsel for the petitioners fairly submitted that, recently they came to know that after passing of Award, the matter was referred under Section 31 and 32(1) of Land Acquisition Act to the competent Civil Court in LAOP No.41 of 1988 on the



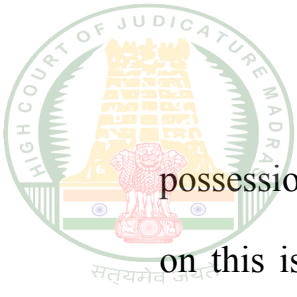
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dismissed for non prosecution, as neither the said Rajeswari Ammal nor the petitioners herein were served with notice regarding the same. Hence, he prayed for permission of this Court, to proceed with the order passed in the LAOP.No.41 of 1988 in the manner known to law.

6. In view of the fair submissions made by the learned counsel for the petitioners, this Court without interfering with the order / report under challenge, grants permission to the petitioners to challenge the order passed in the LAOP. No.41 of 1988 on the file of the VI Assistant City Civil Court in the manner known to law.

4. After the above order was passed, the present writ petition has been filed to declare that the acquisition proceedings has lapsed.

5. In the considered view of this Court, the earlier grievance that was expressed by the petitioners is that they were not paid the compensation and that they were deprived of the same. That apart, the petitioners, who are also seeking for re-conveyance of the land that was acquired. Having taken such a stand on an earlier occasion, the petitioners cannot now seek for a declaration to declare that the acquisition proceedings have lapsed. The prayer for re-conveyance and the declaration to declare the acquisition as lapsed under Section 24(2) of the 2013 Act, cannot go together. The fact that the petitioners are seeking for re-conveyance only means that they are not in possession of the property. Therefore, the Apex Court is repeatedly holding that where the land has vested under Section 16 of 1894 Act, if the original owner continues to be in



possession of the property, it will amount to tress pass into the property. The law on this issue was discussed in a recent judgement of the Apex Court in Civil Appeal No.4335 of 2023 dated 13.07.2023.

6. In view of the above, the relief as sought for in the present writ petition cannot be granted by this Court. If the compensation amount has not been paid to the petitioners, it is always left open to the petitioners to independently seek for the said relief before the appropriate forum. This is in view of the fact that the land which is acquired must result in the payment of compensation to the land owner which has been held to be a fundamental right by the Apex Court in various decisions.

7. In the result, this writ petition is disposed of in the above terms. No costs.

06-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The State Of Tamil Nadu

Rep By Secretary Government Housing
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2. The Special Tahsildar L.A.

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