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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2025

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.5991 of 2019

and

W.M.P(MD)Nos.4782 & 4783 of 2019 and 23734 of 2024

S.Siluvairajan

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by the Director Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Land Acquisition Officer(Incharge)
(Neighbourhood Scheme-Housing Board Tirunelveli Section),
Tirunelveli Post, Tirunelveli District.

3.The Executive Engineer,
Administrative. Engineer(Neighbourhood Scheme-Tirunelveli
Housing Board Section),
D/Nos.131, 132 & 147,
Tamil Nadu Housing Board Colony, Stage-III,
V.M.Chathiram, Palaynkottai, Tirunelveli District.

4. The Tamilnadu Housing Board,
No.493, Anna Salai, Nandanam, Chennai-35.

...Respondents



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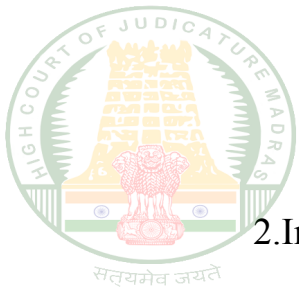
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that by virtue of section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) the land acquisition proceedings, initiated by the 2nd respondent under section 4(1) the Land Acquisition Act 1894, as per G.O.MS.No.1206, Housing and Urban Development dated 29.12.1989 and the connected G.O.MS.No.301, dated 04.03.1991, issued under section 6 of the said Act shall be deemed to have lapsed in so far as the petitioner's property of 10 cents of land in S.No.35/1B1 of Vijayaragavamudaliar Chathiram Village, Palayamkottai Taluk, Tirunelveli District, included in the said Land Acquisition proceeding and also for consequential direction, directing the respondents 1 to 4 to relieve the said land hand over the vacant possession of the same to the petitioner, within a time fixed by this Court.

For Petitioner : M/s.C.Dhanaseelan

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R1 & R2
Mr.S.Velmurugan for R3

ORDER

By this writ petition, the petitioner seeks a declaration that the land acquisition proceedings had lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(Act 30 of 2013).



2. In all fairness, learned counsel for the petitioner concedes that the primary relief prayed for is no longer sustainable in view of the interpretation placed on Section 24(2) of Act 30 of 2013 by the Hon'ble Supreme Court in *Indore Development Authority Vs. Manoharlal and others* (2020) 8 SCC 129. Therefore, he submits that he has filed miscellaneous petition for amendment of the relief claimed in the main petition by inserting the alternative relief of directing the respondents to grant an alternative house site to the petitioner.

3. Learned counsel for the petitioners submits that the petitioner is a senior citizen and an ex-serviceman (CISF). He also points out that the acquisition proceedings were assailed earlier in W.P.No.14839 of 1994, but such challenge was rejected on the ground that the award had been passed. He relies on Section 5A and contends that the objections of the petitioner were not considered and, if considered, the petitioner could have convinced the authorities to exclude his land.

4. Learned Special Government Pleader submits that the notification under section 4(1) was issued on 24.01.1990 and that the award was also issued long before the first round of litigation by the petitioner was concluded. He also points out that a reference was made in L.A.O.P.No.5 of 2013 before the Principal Sub Court, Tirunelveli and such reference was also rejected. In view



of the passage of considerable time and the absence of rehabilitation measures under the Land Acquisition Act, 1894, he submits that the request of the petitioner cannot be considered at this point of time.

5. Upon considering the above submissions, it is evident that no relief can be granted to the petitioner at this point of time. Therefore, this writ petition is dismissed without any order as to costs. This order will not, however, stand in the way of the petitioner making a request to the appropriate authority for the grant of alternative site. No costs. Consequently, connected writ miscellaneous petitions are also closed.

18.09.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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SENTHILKUMAR RAMAMOORTHY, J.

RJR

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