



W.A(MD)No.1825 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A(MD)No.1825 of 2021
and
C.M.P(MD)No.7952 of 2021

A.Palanichamy

.. Appellant

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Revenue Secretary,
Secretariat, Chennai-9.
- 2.The Secretary,
Small Industries (SIC) Department,
Secretariat, Chennai-9.
- 3.The Secretary,
Labour and Industrial Department,
Secretariat, Chennai-9.
- 4.The Chairman,
Small Industries Development Corporation (SIDCO),
Guindy, Chennai.
- 5.The Regional Deputy Director,
Town and Country Planning,
Regional Office, Sivagangai.
- 6.The Revenue Divisional Officer,
(Land Acquisition Officer) Revenue Divisional Office,
Sivagangai, Sivagangai District



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7.S.Masilamani

8.M/s.V.M.Hallow Blocks,
Sivagangai Town, Sivagangai.

9.M/s.Rajeswari Engineering Industry,
Sivagangai Town, Sivagangai.

10.Sivaganga District Small Scale Industries,
Association Rep. by its President,
K.R.Rajamanickam, Sivagangai Town,
Sivagangai.

... Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, to allow the writ petition and set aside the order made in W.P.(MD)No.10595 of 2021 dated 25.06.2021.

For Appellant	: Mr.G.Jeremiah for Mr.D.Senthil
For Respondents	: Mr.V.Ramesh (R4) Mr.M.Sarangan (R1 to R3) Additional Government Pleader No Appearance (RR 7, 8 & 10)

JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

The present writ appeal is filed challenging the order passed by the writ Court on 25.06.2021.

2.We have heard Mr.D.Senthil, learned counsel for Mr.G.Jeremiah, learned counsel for the appellant and Mr.M.Sarangan, learned Additional Government for R1 to R3, R5 & R6 and Mr.V.Ramesh, learned Standing counsel for R4.



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3.This matter has a history. W.P.No.920 of 2012 had been filed by one A.Ayyavu and four others seeking a writ of declaration to the effect that notification under Section 4(1) under the Tamil Nadu Land Acquisition Act, 1984 (in short '1984 Act') dated 19.11.1963, consequential declaration dated 07.12.1963, its publication dated 20.11.1963 and the award No.7 of 1964 dated 22.12.1964 are deemed to have lapsed. Consequential declaration to the effect that orders dated 10.11.2008 and 24.03.2011 were null and void was sought for.

4.The subject matter of that writ petition was the land in Survey No.267/2, admeasuring 11 acres 07 cents in Boorakulam Village, Sivangangai Taluk, Sivagangai District. The writ petition had been dismissed, as against which those writ petitioners filed W.A.No.1175 of 2016. The Division Bench of this Court considered the matter in extenso and relying on various judgments both in the context of laches as well as merits of the claim of the appellants therein, dismissed the same.

5.At para 29, the Division Bench states that there was no factual foundation that had been laid down by the averments, that could draw support from Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short '2013 Act'). The Bench renders factual findings to the



effect that compensation awarded had been duly tendered under the provisions of the 1894 Act by way of deposit in the Civil Court.

6.The contention of the appellants therein was that the Government had transferred the said lands to SIDCO and the said transfer was not the purpose for which the lands had been acquired. The Bench has also additionally noticed that the appellants were not in possession and that possession had also been taken over by the authorities under the Land Acquisition Act, 1894. In fine, there had been nothing to justify their plea. At para 30, the Bench stated as follows:

“30.The object behind the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is only to replace the Land Acquisition Act, 1894 so as to bring transparency in land acquisition and to ensure that the cumulative outcome of the compulsory acquisition should result in improvement in the social and economic status of the land owners whose land has been acquired for public purpose. The intention of 2013 Act can never be stretched to divest the lands which stood acquired under the Land Acquisition Act, 1894, from the Government by applying Section 24(2) of 2013 Act by simply alleging that compensation was not paid and that possession is not taken without materials to prove the facts. Persons seeking the benefit of Section 24(2) of 2013 Act must establish all the ingredients of Section 24 (2) of 2013 Act, with reference to material on record. When the acquisition under the said Act is completed several decades back the Court can legitimately draw an inference that official Acts have been performed regularly. Due to lapse of few decades, as in the present case, even the State may not be able to produce records pertaining to the land acquisition for various good reasons. Hence, Courts are expected to be cautious in these kind of cases while dealing with facts. Since the result of allowing a writ petition of this nature will be a great loss to public exchequer, we cannot accept arguments without required factual foundation. Hence, the Writ Appeal is dismissed confirming the judgment of the learned Single Judge. No costs. Consequently, the connected miscellaneous petition is closed.”



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7.The dismissal of the writ appeal was assailed by the family members of the appellant by way of SLP (Civil) Diary No.40409 of 2019 and by judgment dated 14.02.2020, the Hon'ble Supreme Court, while condoning the delay, declined to interfere with the matter and dismissed the Special Leave Petition. With this, the decision of the Division Bench and all the factual findings rendered have attained finality and cannot be assailed any further.

8.It is in this context that the learned Judge considered the ambit of the writ petition filed by the present appellant, who is none other the son of Ayyavu. The prayer in W.P.(MD)No.10595 of 2021 is for a mandamus directing the official respondents to allot the subject property to the appellant on payment of development charges under the land loser category relying on the judgment of the Hon'ble Supreme Court in the case of *Brij Mohan and others vs. Haryana Urban Development Authority and another* [2011 (2) SCC Page 29].

9.The learned Judge considered the trajectory that the matter has taken over the years and rejected the same, being of the view that there was no justification in the submissions. The judgment relied by the appellant was distinguished on the ground that the said case dealt with a scheme that provided for allotment of plots at normal allotment rate. In



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the present case, there is no such scheme and hence, the judgment was found inapplicable to the matter.

10.Before us, Mr.D.Senthil, learned counsel for the appellant, is not in a position to point out any legal lacuna or perversity in fact in the order under appeal and hence, we find no justification whatsoever for entertaining the present writ appeal. At the risk of the writ petition, we find that the order dated 30.08.2016 passed by the earlier Division Bench has taken note of the matter in its entirety leaving no stone unturned for interference at this juncture.

11.In light of the above discussion, we find no merit in this writ appeal and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[A.S.M.J.] & [C.K.J.]
11.11.2025

Index :Yes/No

Internet :Yes

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To

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- 2.The Secretary,
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