



W.P.(MD) No.18929 of 2022

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

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DATED: 22.08.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD)No.18929 of 2022

K.Kanagaraj

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Secretariat,
Fort St.George, Chennai - 600 009.
2. The Special Commissioner and
Commissioner of Land Administration,
Adi-Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The Director,
Adi-Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
4. The District Collector,
Dindigul District,
Dindigul.
5. The District Adi-Dravidar And
Tribal Welfare Officer,
District Collector Office,
Dindigul.



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6. The Special Tahsildar,
Adi-Dravidar Welfare Department Unit-II,
Palani.

7. The Tahsildar, Taluk Office,
Oddanchathram Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to exclude and de-notify the acquisition proceedings in respect of land measuring an extent of 41 cents comprised in Survey No.13/1B2 Oddanchantram Village, Dindigul District which is part of Award no. 5/52, dated 29.3.1983 passed by the 6th respondent and consequently to return the un-utilized land measuring an extent of 41 cents comprised in Survey No.13/1B2, Oddanchantram Village, Dindigul District and to mutate the entire revenue records in the name of the legal heirs of late. Kulanthaivel Pillai by considering the petitioner's representation dated 16.03.2022 and 21.06.2022, with the time stipulated by this Court.

For Petitioner	: Mr.M.P.Senthil
For Respondents	: Mr.M.Gangatharan, Govt. Advocate

O R D E R

This Writ Petition is filed seeking a direction to the respondents to restore and re-notify the acquisition proceedings in respect of the property situated in S.No.13/1B2 Oddanchantram Village, Dindigul District.



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2. Heard the arguments of Mr.M.P.Senthil, learned counsel appearing for the petitioner and Mr.M.Gangatharan, learned Government Advocate appearing for the respondents.

3. It is not in dispute that the property which is the subject matter of the Writ Petition originally belonged to petitioner's paternal grandfather Subramania Pillai. After his death, the property devolved on petitioner's father and his brother Thirumalaisamy. There was a partition between the petitioner's father Kulanthaivel and his cousin Subramani, S/o. Late Thirumalaisamy in the year 1977. In the said partition, 3 acres 92 cents in S.No.13/1B was allotted to the petitioner's father and 4 acres 14 cents was allotted to petitioner's father's cousin Subramani.

4. It is a specific case of the petitioner that though the subject properties were acquired by the respondents for grant of free house sites pattas to the persons belonging to Adi-dravidas as early as 1982, till date, the possession of the subject property has not been taken and the compensation amount has also not been paid. Therefore, under Section 24(2) of new Act, the acquisition proceedings got lapsed.

5. The 6th respondent has filed a counter affidavit by denying the



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averments contained in the Writ Petition. It is the specific case of the respondents that the possession of the subject property has been taken over by them and house sites pattas were also issued in favour of eligible beneficiaries. It is further stated in the counter affidavit that the petitioner refused to receive the compensation amount as determined by the competent authority and therefore, the same was deposited in the treasury account.

6. The learned counsel for the petitioner vehemently contended that the property of similarly situated person, who was also affected by the same notification was released by the respondents as per the order passed by the 5th respondent dated 27.02.2021. In view of the fact, the properties of the petitioner which was acquired in the year 1982 has not been utilised or distributed to the beneficiaries till date, the respondents may be directed to consider the request of the petitioner for de-notification of petitioner's property measuring 4 acres 14 cents in S.No. 13/1B.

7. It is not in dispute that the acquisition of petitioner's property has been made under old Land Acquisition Act. Under the old Act, there



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was a provision to enable the State to consider the request of the land owner for reconveyance of un-utilised portion of the acquired land under Section 48-B. However, the said enactment was repealed by “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” (hereinafter called as “new Act”) and the new Act came into force on 01.01.2014. Therefore, as on today, the petitioner cannot claim the benefit of Section 48-B of the repealed Act. The learned counsel appearing for the petitioner by relying on Section 101-A of the new Act submitted that the present Land Acquisition Act contains similar provisions under Section 104 and therefore, the benefit of the same can be extended to the petitioner.

8. The Hon'ble Apex Court in ***Indore Development Authority vs. Manoharlal and others*** reported in ***2020 8 SCC 129*** categorically held that the provisions of new Act cannot be made applicable to the acquisition made under the old Act. Further, Section 101 of New Act reads as follows:

“101. Return of unutilised land - When any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the



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appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.

Explanation. - For the purpose of this section, "Land Bank" means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax-delinquent properties into productive use.

9. A reading of the said provisions would make it clear that the benefit of Section 101 is available only to the lands acquired under the New Act and the same cannot be extended to the lands acquired under the Old Act. Therefore, this Court is not impressed by the arguments made by the learned counsel appearing for the petitioner and the benefit of Section 101 available under the new Act cannot be extended to the acquisition made under the old Act.

10. The learned counsel for the petitioner has also relied on a judgment of this Court in ***W.P.No.17774 of 2020, dated 23.02.2021 [Dr.R.Jayaraj Vs. The State of Tamil Nadu and others]***, whereunder this Court permitted the petitioner therein to make an application under Section 48B of Land Acquisition Act, 1984 even after repeal of the said Act. A close scrutiny of the order passed in ***Jayaraj's case (cited supra)*** would indicate that in the said case, the petitioner submitted a



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representation seeking assignment of the unutilised portion of the land in his favour and the same was rejected by the Commissioner for Land Administration. The said order was challenged by the petitioner in W.P.No.6596 of 2012. While disposing the said Writ Petition, this Court granted liberty to the petitioner therein to file an application seeking reconveyance of the land. Based on the said liberty, this Court in a subsequent Writ Petition filed by him in W.P.No.17774 of 2020 observed that he could approach the appropriate authority seeking reconveyance of the land under Section 45B of the Land Acquisition Act, 1894. Therefore, the same cannot be quoted as a precedent for filing an application under Section 48B of the Repealed Act in all cases subsequent to the repeal of the enactment. As on today, the old Act is repealed and therefore, the petitioner is not entitled to get the benefit of provisions under the said Act, as he failed to file an application before the repeal of the Act.

11. The benefit of saving provisions available under new Act cannot be made applicable to the petitioner. The saving provision available under new Act is applicable only to the applications submitted prior to the repeal of the old Act. In the case on hand, the petitioner has



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not sought for reconveyance of the land prior to the repeal of old Land Acquisition Act. Therefore, the Writ Petition filed by the petitioner for such a relief after the repeal of the Act cannot be entertained. Therefore, this Writ Petition is dismissed. There shall be no order as to costs.

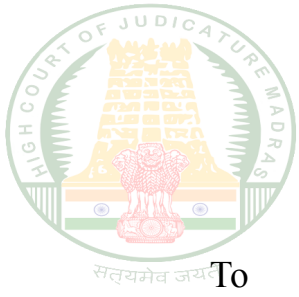
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Index: Yes/No

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Neutral Citation: Yes/No



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S.SOUNTHAR, J.

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