



W.P.(MD) No.18305 of 2025

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.18305 of 2025

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 Declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of land measuring to an extent of 41 cents, comprised in Survey No.13/1B2, Oddanchatram Village, Dindigul District covered by Award No.5/82-83 dated 29.03.1983 passed by the 6th respondent deemed to have lapsed in view Section 24(2) of Right of Fair Compensation and Transparency in Land Acquisition Act, 2013.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.A.Baskaran,
Addl. Govt. Pleader

ORDER

This Writ Petition is filed seeking a declaration that the land acquisition proceedings initiated in respect of 41 cents of land situated in Survey No.13/1B2, Oddanchatram Village, Dindigul District covered by an Award No.5/82-83 dated 29.03.1983 passed by the 6th respondent deemed to have been lapsed in view of Section 24 (2) of “Right to Fair



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Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” (hereinafter called as “new Act”).

2. Heard the arguments of Mr.M.P.Senthil, learned counsel appearing for the petitioner and Mr.A.Baskaran, learned Additional Government Pleader 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



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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 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. A perusal of the typed set of papers would indicate that in the year 2010, the respondents entered possession of the subject property and hence, a Writ Petition was filed by the petitioner in W.P.(MD)No.7989 of 2010, seeking a direction to respondents to restore the petitioner's house and other properties in S.No.13/1B1 as it stood prior to 14.06.2010. In the said Writ Petition, the petitioner had taken a stand that the respondents trespassed into the petitioner's subject property and demolished his house. The learned counsel appearing for the petitioner would vehemently contend that the respondents only illegally trespassed



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into the petitioner's property and they have not taken possession by legal means under the acquisition proceedings. The said Writ Petition filed by the petitioner was dismissed by making the following observations:

“10. When the Hon'ble Apex Court during the litigation has granted an order of status quo, this Court cannot give any weightage to the ex-parte decree. The Department has also initiated action under Section 7 of the Tamil Nadu Land Encroachment Act with regard to the encroachment made by the petitioner and subsequently it was also removed in the year 2010. The petitioner without any valid document is claiming possession and restoration of the properties.”

7. Therefore, it is clear that this Court has given a finding that the petitioner had encroached the subject property and the same was removed by taking recourse to the provisions of Tamil Nadu Land Encroachment Act. This Court also rendered a finding that the petitioner claims possession over the subject property without any valid documents. Ultimately, the prayer for restoration of possession sought for by the petitioner was negatived and the Writ Petition was dismissed. In such circumstances, the assertion made by the petitioner in the present Writ Petition as if he is in continuous possession of the subject property from the date of acquisition is not at all acceptable to this Court.



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8. As per the law declared by the Hon'ble Apex Court in *Indore*

Development Authority vs. Manoharlal and others reported in 2020 8

SCC 129, in order to invoke Section 24(2) of new Act , the following two conditions shall be satisfied:

(i) Possession of the properties must remain with the land owner;
and

(ii) the compensation amount should not have been paid to the land owner.

9. In the case on hand, as seen from the findings rendered by this Court in the earlier Writ Petition in W.P.(MD)No.7989 of 2010, the petitioner was not in possession of the property even in the year 2010. Therefore, this Court is not inclined to entertain the prayer sought for by the petitioner and hence, the same is dismissed. There shall be no order as to costs.

22.08.2025

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Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No



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S.SOUNTHAR, J.

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