



W.P.(MD) No.3593 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2025

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.3593 of 2017

and

W.M.P(MD)No.2904 of 2017

G.Gurusamy

... Petitioner

Vs

1. The Secretary to the Government
of Tamilnadu,
Housing and Urban Development
Department, Fort St.George,
Chennai - 600 009.
2. The Managing Director,
Tamilnadu Housing Board (TNHB),
Nanthanam, Anna Salai,
Chennai - 600 035.
3. The Executive Engineer / AO,
Uchapatti - Thoppur Satellite Town Division,
Tamilnadu Housing Board (TNHB),
Ellis Nagar, Madurai - 625 010.
4. The District Collector,
Madurai District, Madurai - 625 020.
5. The Revenue Divisional Officer,
Revenue Divisional Office,
Usilampatti Revenue Division,
Usilampatti, Madurai - 625 532.



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6. The Special Tashildar (Land Acquisition),
South Neighbourhood Scheme,
Old Ramnad Collectorate Complex,
Madurai - 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring the entire land acquisition proceedings initiated under The Land Acquisition Act, 1894 in respect of land in survey numbers 87/1A1, 87/1A5, 87/1A10 and 87/1A12A with the extent of 0.02.0, 0.38.0, 0.26.5 and 0.10.5 hectares respectively and in total 0.77.0 hectares in Award No. 22/1994 with LAC No. 24/86 dated 25.11.1994, in Uchapatti Village, Thirumangalam Taluk, Madurai District which was passed by the 6th Respondent / Special Tahsildar (Land Acquisition), South Neighbourhood Scheme, Madurai – 20 as lapsed in view of Section 11(A)(1) of the Land Acquisition Act, 1894 and Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consequently, directing the respondents to release these survey numbers from the patta number 458 and not to interfere with the physical possession over the said property as still he is in possession and cultivation.

For Petitioner	: Mr.C.Masilamani
For Respondents	: Mr.Veerakathiravan, Addl. Advocate General assisted by Mr.R.Sivakumar for R1 to R3 Mr.A.Baskaran,



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Addl. Govt. Pleader for R4 to R6

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ORDER

This Writ Petition is filed seeking a declaration that the entire land acquisition proceedings initiated under the Land Acquisition Act, 1894, in respect of land in S.Nos. 87/1A1, 87/1A5, 87/1A10 and 87/1A12A got lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Heard the arguments of Mr.C.Masilamani, learned counsel for the petitioner, Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.R.Sivakumar, learned counsel for respondents 1 to 3 and Mr.A.Baskaran, learned Additional Government Pleader appearing for the respondents 4 to 6.

3. As per the law settled by the Constitution Bench of the Hon'ble Apex Court in *Indore Development Authority vs. Manoharlal and others* reported in **2020 8 SCC 129**, the deemed lapse of land acquisition proceedings under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,



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2013 takes place, where the possession has not been taken from the land owners and the compensation amount has not been paid. The relevant observation of the Hon'ble Apex Court reads as follows:

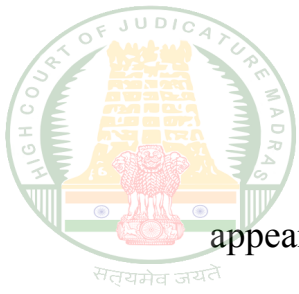
“363....

(1) & (2)

(3) *The word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the Act of 2013 takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.”*

Therefore, it is clear that when the twin conditions as laid down in ***Indore Development Authority's case*** are not satisfied the declaration as prayed for cannot be granted.

4. It is seen from the typed set of papers filed by the respondents, the petitioner received the initial compensation amount as fixed by the competent authority as early as on 25.11.1994 itself. Further, it is seen from the records produced by the learned Additional Advocate General



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appearing for the third respondent, the enhanced compensation amount of Rs.7,40,060- was also deposited before the III Additional Sub Court, Madurai in L.A.O.P.No.42/1997 as early as on 13.05.2016. Hence, as per the law laid down by the Hon'ble Apex Court in **Indore Development Authority's case**, the petitioner is not entitled to declaration as prayed for.

5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

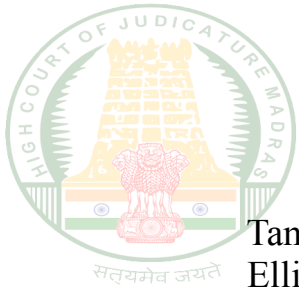
30.06.2025

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

To

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Housing and Urban Development
Department, Fort St.George, Chennai - 600 009.
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S.SOUNTHAR, J.

vsm

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