



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02-02-2026**

CORAM

**THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM**

**AND**

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**WA No. 2564 of 2022**

1. K. Gunasekaran
2. K.Paramasivam
3. K. Neelabai
4. D.Sumathi
5. P.Rajeshwari

..Appellant(s)

Vs

1. State of Tamilnadu  
Rep. By Its Secretary To Govt., Highways  
Department, Fort St. George, Chennai-9
2. The District Collector  
District Collectorate, Tiruvallur, Tiruvallur  
District
3. The Divisional Engineer  
Project Division 1, Department Of Highways,  
Chennai-16
4. The Special Thasildar (Land Acquisition),  
M.M.R.D.Schemes, Saidapet, Chennai-15

..Respondent(s)



To set aside the order passed by the Court dated 17.10.2022 in WP No.7811 of 2012.

For Appellant(s): Mr.K.P. Jotheeswaran

For Respondent(s): Mr.A.Selvendran,  
Special Government Pleader For R1 To 4

### **JUDGMENT**

**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

Writ Order dated 17.10.2022 in WP No.7811 of 2012 is sought to be assailed in the present intra Court appeal. The Writ Petitioners are the appellants before this Court.

2. Writ Petition has been instituted to direct the 1<sup>st</sup> Respondent to re-convey or hold the Land Acquisition proceeding as lapsed of the lands in Survey Nos. 57/2 and 40/3B Manjapakkam Village, Ambattur Taluk, Thiruvallur District, measuring an extent of 1.18 acres and 0.06 acres respectively to petitioners as per the negotiation of land acquisition or in the alternative, to pay compensation to the Petitioners in accordance with the provision of the New Act (30 of 2013).

3. Land was acquired under Land Acquisition Act, 1894 and proceedings culminated in passing of award in the year 1987. Writ Petition came to be instituted after a long time, raising a claim for reconveyance on the ground that land was not utilised for the purpose for which, it was acquired.



Learned Single Judge dismissed the petition stating that, it is evident from the representation of the petitioner that compensation was paid by the acquisition body. Learned Single Judge further stated that once the petitioner raises the plea of lapsation under Section 24(2) of Act, 2013, the relief of reconveyance under Section 48B of Act, 1894 would not enure to the petitioner. Aggrieved by the same, petitioners has filed the present writ appeal.

4. Originally, lands were acquired by the Government for formation of a link road. However, the land was not used for the purpose due to realignment of the scheme. The acquisition proceedings culminated in the passing of award in the year 1987, and writ petitions came to be filed in the year 2012, seeking reconveyance of the land under Section 48B of the Land Acquisition Act, 1894. The said Act was repealed and a new Land Acquisition Act of the year 2013 came into force. The reconveyance of the land by the Government cannot be done, since the Act is not in force and such power cannot be exercised. That apart, reconveyance cannot be claimed as a matter of right. The available remedy under the new Land Acquisition Act is under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013, seeking lapse. Since the conditions for the land acquisition has been satisfied, there is no infirmity in the orders dated 17.10.2022 in WP No.7811 of 2012.



5. Accordingly, Writ Appeals stand dismissed. No costs. Consequently, connected Miscellaneous Petitions, if any, are closed.

**(S.M.S.,J.) (C.K.,J.)**  
**02-02-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

To

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**S.M.SUBRAMANIAM, J.  
AND  
C.KUMARAPPAN, J.**

**GD**

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