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WP No. 33478 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 33478 of 2019

Girija Janarthanan

..Petitioner(s)

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Chennai 600 009.

2. Tamil Nadu Housing Board,
Rep. by its Managing Director,
Nandanam, Chennai 600 035.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the land acquisition proceedings initiated under the Land Acquisition Act, 1894 commencing with section 4(1) Notification issued in GO MS No. 46, Housing and Urban Development, dated 05.02.1992 and section 6 Declaration issued in GO MS No. 297, Housing and Urban Development dated 15.04.1993 and published at page 14 of Supplement to part II, Section 2 of Tamil Nadu Government Gazette dated 26.02.1992 and page 1 and 2 of Extraordinary issue of part II, Section 2 of Tamil Nadu Government Gazette Dated 16.04.1993 respectively in respect of the land of the petitioner comprised in Survey No.405/1 situated at Vilankurichi village, Coimbatore to an extent of 55 cents as lapsed in view of Section 2492) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No.XXX of 2013).

For Petitioner(s) : Mr.D.Akash Kumar
for Mr.P.Saravana Sowmiyan



For Respondent(s) : Mr.C.Gowthamaraj, GA for R1
Mr.V.Gunasekar, SC for R2

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ORDER

This writ petition is filed to declare the land acquisition proceedings initiated under the Land Acquisition Act, 1894 commencing with section 4(1) Notification issued in GO MS No. 46, Housing and Urban Development, dated 05.02.1992 and section 6 Declaration issued in GO MS No. 297, Housing and Urban Development dated 15.04.1993 and published at page 14 of Supplement to part II, Section 2 of Tamil Nadu Government Gazette dated 26.02.1992 and page 1 and 2 of Extraordinary issue of part II, Section 2 of Tamil Nadu Government Gazette Dated 16.04.1993 respectively in respect of the land of the petitioner comprised in Survey No.405/1 situated at Vilankurichi village, Coimbatore to an extent of 55 cents as lapsed in view of Section 2492) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No.XXX of 2013).

2. Learned counsel for the petitioner would submit that the petitioner is the owner of the land comprised in S.No.405/1, to an extent of 55 cents situated at Vilankurichi Village, Coimbatore. This being the case, the said land along with other lands were sought to be acquired for construction of houses under Ganapathy Neighboring Scheme Phase II, Coimbatore by the respondents under the Land Acquisition Act, 1894. Subsequently, the 4(1) notification was issued



in G.O.Ms.No.46, Housing and Urban Development, dated 05.02.1992 and Section 6 Declaration was issued in G.O.Ms.No.297, Housing and Urban Development dated 15.04.1993. Consequently, the award was passed in Award No.1 of 95 on 18.04.1995.

3. Learned counsel for the petitioner would further submit that though the award was passed as early as on 18.04.1995, no compensation was paid to the petitioner and the petitioner is in continuous possession and enjoyment of the above said land. Hence, the petitioner is entitled to the benefit of Section 24(2) of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity 'Act') and the entire land acquisition proceedings deemed to have lapsed against her land. Hence, this writ petition is filed to declare the land acquisition proceedings against the petitioner's land has lapsed in view of the aforesaid Section 24(2) of the Act.

4. Learned Government Advocate appearing for the first respondent would submit that the acquisition proceedings lapse only in the event that, neither an award is passed nor possession is taken. In the instant case, the award was duly passed on 18.04.1995 and the same was deposited in Treasury Deposit on 31.05.1996. As one of the essential conditions to prevent lapsing has been satisfied, the acquisition proceedings remain valid and subsisting in the eyes of the law.



5. Heard the learned counsel on either side and perused the materials available on record.

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6. In order to lapse the land acquisition proceedings, certain conditions as provided in Section 24(2) of the Act, are required to be satisfied. Section 24(2) of the Act provides that, acquisition proceedings shall lapse only upon the cumulative satisfaction of two conditions i.e., the failure to take physical possession of the land and the failure to pay compensation. In the present case, the award was passed as early as on 18.04.1995 and deposited in Treasury Deposit on 31.05.1996. Therefore, the proceedings cannot be deemed to have lapsed under the said Section.

7. However, learned counsel for the petitioner would submit that the land was not utilized for the purpose for which it was acquired. In such case, the petitioner may submit a representation to the respondents, seeking re-conveyance of the land. Upon receipt of such representation, the respondents shall consider the request in the light of G.O.Ms.No.52 dated 27.03.2025.

With the aforesaid observation and direction, this writ petition stands disposed of. No costs.

24-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VM



To:

1. The Secretary,
Housing and Urban Development Department,
Chennai 600 009.
2. Tamil Nadu Housing Board,
Rep. by its Managing Director,
Nandanam,
Chennai 600 035.



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KRISHNAN RAMASAMY, J.

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