



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 34642 of 2022

R.Chinnasamy

..Petitioner(s)

Vs

1. The District Collector,
Erode District, Erode-638 011.
2. The Revenue Divisional Officer,
Erode, Erode District.
3. The Special Tahsildar,
Land Acquisition Project, Neighbourhood
Scheme, Brough Road, Erode-638 009.
4. The Executive Engineer,
Erode Housing Unit, Tamil Nadu Housing
Board, Surampatti Nall Road,
Erode.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that the lands in respect of R.S.No.725/1, measuring an extent of 0.88.0 hectare and R.S.No.727/1, measuring an extent of 0.64.0 hectare, in Erode C.Village, Erode District, covered by the Notification issued under Section 4(1) of the Land Acquisition Act, in G.O.(Ms).No.25, Housing and Urban Development Department, dated 17.01.1997 and also covered in G.O.(Ms).No.34, Housing and Urban Development Department, dated 04.03.1998 deemed to have been lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner(s):

Mr.P.Vetrivel



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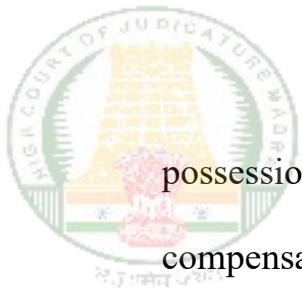
For Respondent(s):

Mr.T.K.Saravanan, AGP for R1 to 3
Mr.C.Kalaichelvan, SC for R4

ORDER

This writ petition is filed to declare that the lands in respect of R.S.No.725/1, measuring an extent of 0.88.0 hectare and R.S.No.727/1, measuring an extent of 0.64.0 hectare, in Erode C.Village, Erode District, covered by the Notification issued under Section 4(1) of the Land Acquisition Act, in G.O.(Ms).No.25, Housing and Urban Development Department, dated 17.01.1997 and also covered in G.O.(Ms).No.34, Housing and Urban Development Department, dated 04.03.1998 deemed to have been lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Learned counsel for the petitioner would submit that the Tamil Nadu Housing Board intended to acquire the petitioner's lands for Erode Housing Unit and initiated acquisition proceedings in respect of petitioner's properties in R.S.No.725/1 and 727/1, measuring an extent of 0.88.0 hectare and 0.64 hectare, respectively. In this regard, the third respondent have issued notification under Section 4(1) of the Land Acquisition Act on 12.02.1997 and award was also passed on 03.03.2020, under award No.1. Even though the award was passed, the Tamil Nadu Housing Borad has not taken physical

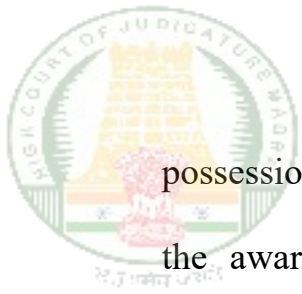


possession of the land acquired from the petitioner and not given any compensation to the petitioner. Till, date, the petitioner is doing agricultural activities in the said land. Therefore, the entire land acquisition proceedings got lapsed. Thus, the petitioner has submitted representation on 15.11.2022 to all the respondents seeking to declare that the land acquisition proceedings in respect of his lands got lapsed. However, the said representation was not considered, as on date. Hence, this writ petition.

3. Learned Additional Government Pleader appearing for the respondents 1 to 3 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 and the same was deposited in Revenue Deposit. 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.

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

5. 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 and the same was deposited in Revenue Deposit.

Therefore, the proceedings cannot be deemed to have lapsed under the said Section. Therefore, I do not find any merit in this writ petition and the same is liable to be dismissed.

6. 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 same and pass appropriate orders.

In the result this writ petition stands dismissed. No costs.

30-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VM



To:

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KRISHNAN RAMASAMY, J.

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