



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

**WP No. 36398 of 2023
and WMP No. 36402 of 2023**

A.Vamanan, President,
M/s.Bhaktavatsalam Educational Trust,
Having Registered Office at
Sarayu, 24, Alagesan Road,
Vedachalam Nagar,
Chengalpet- 603 001.

..Petitioner

Vs

1. District Collector
Kancheepuram Collectorate,
Kancheepuram,
Kancheepuram – 631502.
2. Sub- Collector,
Kancheepuram Collectorate,
Kancheepuram,
Kancheepuram - 631502.
3. District Revenue Officer,
Kancheepuram District Revenue Office,
Kancheepuram- 631 502.
4. Revenue Divisional Officer,
Revenue Divisional Office,
Kancheepuram- 631 502.
5. Tahsildar,
Kancheepuram Taluk Office - Kancheepuram,
Kancheepuram- 631 502.
6. Revenue Inspector,
Kancheepuram Taluk Office- Kancheepuram,
Kancheepuram- 631 502.



7. The Commissioner,
Kanchipuram City Municipal Corporation,
Kanchipuram – 631502.

(R7 Impleaded vide order dated 30.06.2025
made in WMP.No.30527/2024)

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for records and quash the Impugned Notice dated 18.10.2023 vide Rc. No.259/ 2023/ A1 issued by the Respondent No.4 and proceedings arising therefrom.

For Petitioner : Mr. S.Manuraj

For Respondents : Mr.T.Arunkumar,
Addl. Govt. Pleader for R1 to R6

Mr.RA.Gopinath,
Standing Counsel for R7

Order

(Order of the Court was made by S.M.Subramaniam J.)

The present Writ Petition has been instituted challenging the show cause notice dated 18.10.2023 issued under Section 16-B of the Land Acquisition (Tamil Nadu Amendment) Act, 1996.

2. Normally no Writ would lie against the show cause notice and the noticee on receipt is expected to submit his explanation in response to the notice defending his / her case. However, a Writ would lie if the notice has been issued without jurisdiction/ Authority or tainted with the allegation of *malafides*.



3. In the present case, the learned counsel for the petitioner would raise the point of jurisdiction to invoke Section 16-B of the Land Acquisition Act. He would submit that the old Land Acquisition Act was repealed and the New Land Acquisition Act viz., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force. Therefore, the show cause notice issued on 18.10.2023 under the repealed Act is without any authority under law and is liable to be set aside.

4. The learned Additional Government Pleader would oppose by stating that under Section 6(c), (d) and (e) of the General Clauses Act, 1897, read with Section 16-B of the Land Acquisition (Tamil Nadu Amendment) Act, 1996, the State is empowered to forfeit the land, if the allotted land has not been utilised by the allottee for the purpose for which it was allotted, as a penalty.

5. It is not in dispute that to establish a Polytechnic College, an application was made seeking assignment of Government land by the petitioner Trust. Their claim in entirety was allowed by the Government and the Agricultural lands were acquired to an extent of about 73.47 acres and assigned in favour of the petitioner Trust. Out of 73.47 acres of land, which was acquired and handed over to the petitioner, the present show cause notice has been issued to resume a portion of the land for public purpose, to establish modern bus terminus with infrastructure. It is not in dispute between the parties that the Polytechnic College is developed in the said land to an extent of about 5.40 acres and the remaining extent of lands are vacant.



WEB C 1996 reads as under:-

6. Section 16-B of the Land Acquisition (Tamil Nadu Amendment) Act,

16-B, Land to be forfeited in certain cases.-- Where the Government are satisfied that the land acquired under the Act for any public purpose as referred to in sub-section (1) of Section 4 is not used for the purpose for which it was acquired, they may, by an order, forfeit the land as penalty and the land shall vest in the Government in Revenue Department free from all encumbrances:

Provided that no order under this section, shall be made unless the person or authority aggrieved has had a reasonable opportunity of being heard.

7. The above provision has to be read along with Section 6(c) of the General Clauses Act, 1992 which reads as under:-

6(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed;

8. Under Section 6(c) of the General Clauses Act, it is the obligation on the part of the allottee/ assignee to utilise the land in entirety for the purpose for which it was allotted by the Government by acquiring the agricultural lands from the farmers. Pertinently, agricultural lands are acquired for establishing educational Institutions and in normal circumstances, the Government would not have acquired the agricultural lands. Therefore, it is the obligation cast upon the petitioner Trust to utilise the entire land for the purpose for which it



was allotted which is admittedly not utilised. A very small portion of the land has been utilised for running a Polytechnic College and the major portion of the land remains vacant.

9. Since the conditions stipulated in the allotment has been violated, the right accrued to the Government to resume the land by invoking Section 16-B of the Land Acquisition Act, 1894. The above position is amplified under proviso to Section 16-B, which states that no order under this Section shall be made, unless the person or Authority aggrieved had a reasonable opportunity of being heard. In pursuance to the proviso clause, the show cause notice was issued under Section 16-B of the Old Land Acquisition Act enabling the petitioner to submit their explanation, if any.

10. As far as the Authority under law to issue show cause notice is concerned, under Section 6(c) of the General Clauses Act, the petitioners failed to comply with the obligation cast upon them by not utilising the allotted land for the purpose for which it was allotted viz., to establish educational institution. Therefore, the right accrued to the Government to resume the land which all are not utilised and to forfeit the land by invoking Section 16-B of the Old Land Acquisition Act exist.

11. Admittedly, the land was acquired under the Old Land Acquisition Act and even at the time of allotment, the Old Land Acquisition Act was not



repealed. Since the agricultural lands were acquired under the Old Act and the allotment was made in favour of the petitioner when the Old Act was in force, the Government is well within its powers to invoke Section 16-B of the Old Land Acquisition Act. Thus, this Court is of the considered view that the State has jurisdiction to invoke Section 16-B of the Land Acquisition Act for resumption of un-utilised lands for the purpose for which it was allotted.

12. Thus, this Court is not in agreement with the arguments as advanced on behalf of the petitioner that New Land Acquisition Act of the year 2013 is to be applied has no merit consideration. Thus, the petitioner is at liberty to submit their representation / explanations, if any, to the competent Authority for consideration. On receipt of any such representation, the Authority competent shall consider the same and thereafter proceed with all further actions by following the procedures as contemplated under law.

13. With these observations, this Writ Petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
07-04-2026

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



To

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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

DSA

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