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W.A.No.224 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.224 of 2026  
and C.M.P.No.1995 of 2026

Irene Jose  
W/o. Late C.Jose Ukkur,  
Ukkur Buildings  
No.5, Ranganathapuram Street  
Chetpet, Madras-600031.

Appellant

Vs

- 1.The State of Tamil Nadu  
Rep. by the Secretary to Government,  
Housing and Urban Development  
Department,  
Fort St. George, Chennai - 600009.
- 2.The Tamil Nadu Housing Board  
Rep. by its Chairman,  
Nandanam, Chennai-600035.
- 3.The Special Tahsildar III  
Land Acquisition  
Tamil Nadu Housing Board Scheme  
331, Anna Salai, Chennai-600035.

Respondents



W.A.No.224 of 2026

**PRAYER:** Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.10939 of 1986, dated 10.10.2025.

For Appellant: Mr.Satish Parasaran  
Senior Counsel  
for Ms.Anita Thomas

For Respondent: Mr.K.Karthik Jagannath  
Government Advocate  
for R1 and R3

Mr.P.Kumaresan  
Addl. Advocate General  
assisted by  
Mr.D.R.Arun Kumar  
for R2

**JUDGMENT**

(Delivered by the Hon'ble Chief Justice)

Assailing the order 10.10.2025 passed by the learned Single Judge in W.P.No.10939 of 1986, the unsuccessful writ petitioner has filed the present writ appeal.

2. The appellant filed the writ petition for issuance of a writ of mandamus forbearing the respondents from acquiring the piece of land belonging to the appellant and more fully described in the schedule pursuant to the notification in G.O.Ms.No.1056, dated 11.10.1985, on



W.A.No.224 of 2026

the ground that the said acquisition is unconstitutional, illegal, null and void.

WEB COPY

3. The learned Single Judge, vide order impugned in this appeal, dismissed the writ petition holding that possession of the subject-land was taken over on 26.7.2005 and the acquisition proceedings completed in all respects even prior to the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "*Act of 2013*") cannot be challenged. The learned Single Judge also held that compensation was also deposited even prior to coming into force of the Act of 2013.

4.1. The case of the appellant before the writ court runs thus: The respondents chose to acquire only 4 grounds and 1459 sq. ft. Out of 5 grounds belonging to the appellant and the appellant had purchased a piece of land measuring 5 grounds in S.No.2935/2 in Nammalwarpet, Purasaiwalkam, along with three other purchasers from N.Munusamy and others and the respondents citing incomplete revenue records are attempting to assail the title of the appellant, who has a valid title by way of registered document.



W.A.No.224 of 2026

4.2. The first respondent under Section 4 of the Land Acquisition Act, 1894 (for short, "*the Act of 1894*") sought to acquire 255 grounds and 1226 sq. ft., which included 4 grounds and 1459 sq. ft. of the appellant's lands measuring 5 grounds and the lands of co-purchasers. The appellant was required to submit objections as contemplated under Section 5(A) of the Act of 1894 and written objection was also submitted by the appellant by specifically stating that she intends to put up a house for her occupation in the subject-land. By a Memo dated 31.7.1986, the second respondent had overruled appellant's objection and had exempted the land comprised in S.No.2953/1 to 4 belonging to persons mentioned in Serial Nos.8 to 11 in Section 4(1) notification. Thereafter, by a further notification under Section 3(b) of the Act of 1894, an enquiry was conducted on 22.8.1986, subsequently, vide proceedings dated 26.8.1986, a declaration was made that the lands in Survey Nos.2930/ 1 to 2, 2931, 2933/1 and 2, 2932/1 and 2 and 2933 (162 grounds 1110 sq. ft.) are required by the Tamil Nadu Housing Board (TNHB) for construction of houses and decided for acquisition of the said extent of lands.

4.3. During the pendency of the writ petition, items 5 and 6 of Section 4(1) notification comprising of 36 grounds and 1228 sq. ft.



W.A.No.224 of 2026

Were also excluded by the first respondent based on the recommendation of the second respondent. Only item Nos.1 to 4 (belonging to Pachaippa's Trust administered by AG & OT) and item 7 of the notification issued under Section 4(1) remained for the acquisition contemplated by the TNHB. In the 22 grounds and 2082 sq. ft. stated in item No.7 of notification under Section 4(1), the appellant's property of 4 grounds and 1459 sq. ft. is subject to acquisition.

4.4. The appellant had filed the present writ petition in 1986 and pending writ petition, there was a stay and, on 22.12.1986, Section 6 declaration for the rest of the lands in 4(1) notification exempting the appellant's 4 grounds and 1459 sq. ft. was issued. The stay granted in the writ petition was extended from time to time for certain periods. Thereafter, there was no stay for 6 months from 27.1.1987 to 19.7.1987. On 20.7.1987, stay of all further proceedings was granted which includes taking of possession. After a delay of 182 days, Section 6 declaration was published on 16.10.1987 for the appellant's land.

4.5. With the allowing of W.P.No.10939 of 1986 on 22.10.1991, Section 4(1) notification itself was quashed and, hence, the third



W.A.No.224 of 2026

respondent could not hand over the appellant's land to the second respondent, who allegedly took over the same by an illegal executive order dated 26.7.2005.

4.6. An award, bearing No.2 of 1998, was passed on 22.12.1988 during the pendency of the writ petition, which clearly acknowledges that taking possession of the land in Survey No.2935/2 will be decided after disposal of the writ petition. The compensation was deposited in the City Civil Court on 20.11.2015 after the disposal of earlier writ appeal on 8.4.2015.

4.7. The appellant's land is at far corner of the alleged scheme with the lands of her co-purchasers on the left and right, which have been arbitrarily released from the acquisition leaving only 4 grounds and 1459 sq. ft. of the appellant apart from 103 grounds and 802 sq. ft. belonging to Pachaiappa's Trust. The second respondent claims that 125 grounds and 2082 sq. ft. is available, but from the above it is clear that only 103 grounds and 802 sq. ft. plus 4 grounds and 1459 sq. ft., totally 107 grounds and 2261 sq. ft. is actually remaining for the public purposes, to wit, a house scheme.



W.A.No.224 of 2026

4.8. As stated supra, by the impugned order dated 10.10.2025, the learned Single, upon consideration of the rival submissions, dismissed the writ petition.

5.1. Assailing the order of the learned Single Judge and drawing our attention to various pages of the typed-set of papers filing along with this appeal, learned Senior Counsel for the appellant submitted that the learned Single Judge erred in stating that the appellant, out of the total extent of the land, a piece of the land was sold out by the appellant to third parties. The appellant had purchased 5 grounds along with her co-purchasers and has not sold any part of the same. However, the respondent authorities arbitrarily chosen to acquire only 4 grounds and 1459 sq. ft.

5.2. Learned Senior Counsel further submitted that the learned Single Judge misunderstood that the appellant's land is situated within the Housing Board Scheme, as no such scheme is in existence for the last 39 years. In fact, the learned Single Judge failed to give weightage to the fact that the appellant had purchased the land from the legal heirs of Narayanasamy Mudaliar, the father of 1<sup>st</sup> and 4<sup>th</sup> vendors, who had settled the same on them by way of settlement



W.A.No.224 of 2026

deeds, giving them a life interest and thereafter to be owned and enjoyed by vendors 2, 3, 5 and 6 absolutely. Hence, the appellant had purchased the said parcel of land from the 1<sup>st</sup> and 4<sup>th</sup> vendors along with their sons/vendors 2, 3, 5 and 6. The learned Single Judge failed to see that the respondents, citing incomplete revenue records, are attempting to assail the title of the appellant who had a valid title by way of registered document.

5.3. Learned Senior Counsel for the appellant urged that the learned Single Judge failed to realise that the compensation was deposited in the Reserve Bank of India and not in Court as is mandated under Sections 30 and 31 of the Act of 1894. The learned Single Judge also failed to recognize the fraud played upon the Court by the respondents by submitting that the compensation was deposited on the direction of the Supreme Court on 29.6.2012 as the said order was in regard to the award amount of Pachaiappa's Trust land. The award amount for the appellant was deposited in the City Civil Court as late as on 20.11.2015 only after W.A.No.1326 of 1995 was disposed of on 8.4.2015.

5.4. According to learned Senior Counsel for the appellant, the



W.A.No.224 of 2026

learned Single Judge failed to comprehend that the appellant had won the writ petition earlier thereby quashing Section 4(1) notification and, hence, she was in possession of the land. No proof of possession is required other than the fact that Section 4(1) notification stood quashed. The learned Single Judge failed to recognize duplicity of the respondents who had issued an executive order dated 26.7.2005 to cover up the fact that they could not get possession legally.

5.5. The learned Senior Counsel submitted that the learned Single Judge failed to see that though the decision of the Division Bench upheld the land acquisition proceedings with regard to 103 grounds and 802 sq. of Pachaiaappa's Trust, the respondents by their acts of releasing various parcels of land amounting to nearly 148 grounds have effectively rendered the acquisition infructuous, as the original scheme conceived cannot be carried out in 1/3<sup>rd</sup> of the original requirement of land. The respondents are now creating a scheme to fit the land they can grab as all the private parties who had the required influence managed to extricate their land from the illegal acquisition leaving the appellant's small parcel of land. Thus, learned Senior Counsel prayed for setting aside the impugned order of the learned Single Judge.



W.A.No.224 of 2026

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5.6. Learned Senior Counsel for the appellant ultimately submitted that the acquisition proceedings have lapsed, in as much as declaration under Section 6 of the Act was pass beyond the statutory period and, in any event, in the case of acquisition pertaining to Pachayappa's Trust, the such declaration under Section 6 of the Act was issued within the stipulated time. Even though the Division Bench in the earlier round of litigation granted liberty to the appellant to raise additional grounds and the same were also raised by filing an interlocutory application, the same was not considered by the learned Single Judge. In addition, he submitted that there is an apparent error in the order passed by the learned Single Judge, in as much the appellant had purchased the property prior to acquisition proceedings and, therefore, the finding of the learned Single Judge that she is a subsequent purchaser is erroneous.

6. Learned counsel for the respondents reiterated the reasons that weighed with the learned Single Judge and prayed for dismissal of the appeal.

7. We have considered the rival submissions and also perused



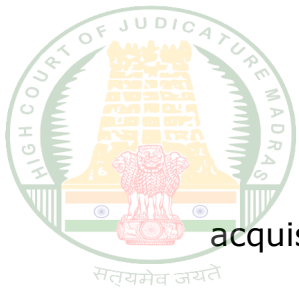
W.A.No.224 of 2026

the materials available on record.

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8. The following facts emerge from the records: The appellant had purchased the subject land on 2.4.1981. Section 4(1) notification in respect of the land to an extent of 5 grounds, which was purchased by the appellant comprised in Survey No.2935(P) was issued on 30.10.1985. The declaration notice was issued on 22.12.1986. Award came to be passed on 11.12.1988. Award amount has been deposited before the City Civil Court, Chennai on 29.6.2012. Symbolic possession of the subject land was taken on 26.7.2005. Appellant had submitted a representation for re-conveyance and the same was rejected by the authorities. During award enquiry, neither the original owners (vendors of appellant) nor the appellant appeared.

9. It appears that earlier W.P.Nos.6607, 7423, 7424, 8171, 9002, 10939, 11862 to 11864 of 1986 and 3365 and 3445 of 1989 came up before the learned Single Judge and, by a common order dated 22.10.1991, following the order dated 8.10.1991 passed in W.P.No.3693 of 1986 and batch cases, the learned Single Judge allowed W.P.Nos.6607, 7423, 7424, 8171, 9002, 10939, 11862 to 11864 of 1986 and 3365 and 3445 of 1989 thereby quashing the



W.A.No.224 of 2026

acquisition proceedings. Challenging the order passed in W.P.No.10939 of 1986, the State filed W.A.No.1326 of 1995 stating that the view taken by the learned Single Judge is unsustainable. By the judgment dated 8.4.2015, the writ appeal was disposed of in terms of the judgment passed in W.A.No.1568 of 1994 and other connected appeals, which were decided on 12.1.2015.

10. It appears that, by the common judgment dated 12.1.2015, W.A.No.1568 of 1994 etc. batch, was allowed and remitted the matter back to the learned Single Judge observing that the various grounds raised in the original writ petitions would have to be examined apart from the further pleas, which may be available to the respondents therein arising from the situation post the impugned order, both on merits and on account of delay in filing the appeals. In paragraph 9 of the said judgment, certain directions which included that the interim orders operating in favour of the respondents during the pendency of the writ petitions would stand revived and would continue till the disposal of the writ petitions.

11. It also appears that challenging the acquisition proceedings in respect of the land admeasuring 103 grounds and 802 sq. ft.



W.A.No.224 of 2026

comprised in S.Nos.2930/1, 2930/2, 2931 and 2932/1, W.P.Nos.16632 and 16633 of 2016 were filed by the AG&OT. By the order dated 14.9.2022, the said writ petitions were allowed. Aggrieved by the same, the TNHB filed W.A.Nos.1251 and 1252 of 2023 and by the judgment dated 15.9.2025, the writ appeals were allowed. It would be appropriate to quote paragraphs 14 to 16 of the said judgment, which read thus:

*"14.The scope of the challenge of the original land acquisition proceedings cannot be expanded while seeking relief under Section 24(2) of the New Land Acquisition Act of the year 2013. Therefore, once the land acquisition proceedings completed in all respects and the reconveyance application was rejected by the government, the erstwhile owners cannot challenge the land acquisition proceedings initiated under the old Act once again for the purpose of seeking the declaration under Section 24(2) of the new Land Acquisition Act of the year 2013.*

*15.Regarding possession, the Government letter dated 02.02.2015 reiterates that it was taken on 28.10.1999. Consistently the Government and the Tamil Nadu Housing Board in various proceedings stated that possession was taken in the year 1999, and that being so, now the ground raised at this length of time deserves no merit consideration.*



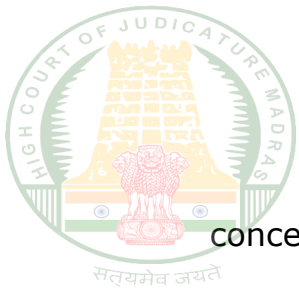
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W.A.No.224 of 2026

*16. Therefore, if at all the compensation has not been received by the erstwhile owners of the acquired land, it is left open to them to withdraw the compensation amount along with interest, if any, by following the procedure as contemplated under law. However, the land acquisition proceedings completed in all respects even prior to the new Land acquisition Act of the year 2013. The twin conditions contemplated under Section 24(2) of the New Land Acquisition Act have not been established for the purpose of seeking declaration. In the opinion of this Court, both possession as well as deposit of compensation were made even prior to the New Land Acquisition Act. Thus, the first respondent is not entitled for the relief as such granted by the Writ Court. Consequently, the writ order in W.P.No.16632 of 2016 dated 14.09.2022 is set aside. The Writ appeals are allowed. No Costs. Consequently, connected miscellaneous petitions are closed."*

12. The learned Single Judge, in his order, observed that as per the revenue records Munuswamy Mudaliar is entitled to enjoy the subject land till his life time and he has no right to alienate and, therefore, the compensation amount was deposited before the Civil Court. The learned Single Judge has also given a finding that the appellant, being a subsequent purchaser, allegedly purchased the subject land from Munuswamy Mudaliar, who had no title or right to alienate the said property. As far as possession of the subject land is



W.A.No.224 of 2026

concerned, the possession was already taken over by the Government and the same has been handed over to the TNHB as early as on 26.7.2005. The appellant cannot challenge the acquisition proceedings under Section 24(2) of the Act of 2013 and she is not a person coming under Section 3(r)(i) of the Act of 2013 as the said Section defines "land owner" as "whose name is recorded as the owner of the land or building or part thereof". Further, Section 3(x)(i) defines the "person interested" as "all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act". The appellant will not come under the category of "land owner" or "person interested" to challenge the acquisition proceedings.

13. As rightly held by the learned Single Judge, though the appellant contended that she is in possession and enjoyment of the subject land, she has failed to produce any document to prove her possession. The learned Single Judge further held that the scope of challenge to the original land acquisition proceedings cannot be expanded while seeking relief under Section 24(2) of the Act of 2013. Once the land acquisition proceedings are completed in all respects and the re-conveyance application was rejected by the Government, the erstwhile owners cannot challenge the land acquisition proceedings



W.A.No.224 of 2026

initiated under the Act of 1894 under the Act of 2013 for the purpose of seeking the declaration. The twin conditions as contemplated under Section 24(2) of the Act of 2013 have not been established for the purpose of seeking declaration. In fact, vide judgment dated 15.9.2025 in W.A.Nos.1251 and 1252 of 2023, the acquisition proceedings was upheld. Therefore, we are of the view that, if at all the compensation amount has not been received by the erstwhile owners of the acquired land, it is left open to them to withdraw the compensation amount by following the procedure as contemplated under the Act, which the learned Single Judge has rightly observed so in the impugned order. We find no error in the order of the learned Single Judge. No valid grounds have been made by the appellant with supporting documents to interfere with the findings of the learned Single Judge. Therefore, the writ appeal fails.

14. We only make it clear that if certain facts are erroneously recorded by the learned Single Judge, the remedy of the petitioner lies elsewhere and not in a writ appeal. That apart, if the interlocutory application seeking to raise additional grounds is not considered by the learned Single Judge, it is for the petitioner to seek redressal before the learned Single Judge. Sitting in appeal, we do not find any



W.A.No.224 of 2026

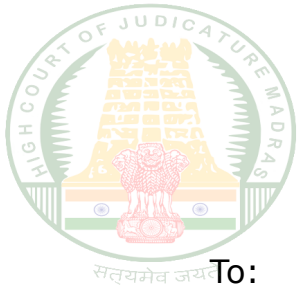
ground to interfere with the order passed by the learned Single Judge.

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Accordingly, the writ appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)  
22.04.2026

Index : Yes/No  
Neutral Citation : Yes/No  
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W.A.No.224 of 2026

To:

WEB COPY

- 1.The the Secretary to Government,  
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THE HON'BLE CHIEF JUSTICE  
AND  
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