



WEB COPY

WP No. 27738 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 27738 of 2018

and

WMP No. 32252 of 2018

Latha

..Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai-600009.
2. The Special Tahsildar,
Land Acquisition, Unit-II,
Tamil Nadu Housing Board Scheme,
Nandanam, Chennai-35.
3. Tamil Nadu Housing Board
Rep. by its Executive Engineer and
Administrative Officer,
Mogappair Division,
Tamil Nadu Housing Board,
Chennai-600 101.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration to declare that the entire land acquisition proceedings initiated under Land Acquisition Act, 1894 in respect of lands comprised in petitioner's lands admeasuring 25 cents in 0.40.0 hectares in



Survey No.18/1A in Perumal Agaram Village, Block No.3, Ambattur Taluk,
Thiruvallur District covered by award No.3/2005 dated 20.10.2005.

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For Petitioner : Mr.P.Satheesh Kumar

For Respondents : Mr.T.K.Saravanan,
Addl. Govt. Pleader for R1 & R2

Mr.A.M.Ravindranath Jeyapal,
Standing Counsel for R3

Order

The Writ Petition has been filed for a declaration to declare that the entire land acquisition proceedings initiated under Land Acquisition Act, 1894 in respect of lands comprised in petitioner's lands admeasuring 25 cents in 0.40.0 hectares in Survey No.18/1A in Perumal Agaram Village, Block No.3, Ambattur Taluk, Thiruvallur District covered by award No.3/2005 dated 20.10.2005 as null and void.

2. The learned counsel for the petitioner would submit that according to the petitioner, the respondents initiated acquisition proceedings in order to form Ambattur Neighbourhood Scheme. The lands were acquired and also a declaration was issued under Section 6 of the Land Acquisition Act in G.O.Ms.No.258, Housing and Urban Development Department dated 10.10.2003. Subsequently, an award was passed on 20.10.2005. Subsequent to



the passing of the award, the petitioner was not paid with any compensation.

But, according to the respondents they have paid the compensation to some other person for the petitioner's subject land.

3. He would further submit that possession was not taken over by the respondents and no developmental activities regarding housing scheme has been brought in and developed and private people are enjoying the properties by constructing multi-storey buildings. He would therefore submit that the purpose for which lands were acquired was not achieved. In very many cases where the lands acquired for certain purpose remains un-utilised for a certain period and the project has not commenced, then the policy decision was taken by the respondents to re-consider the subject properties and re-convey the same to the original owners, when an application is made for the same.

4. The learned Standing Counsel for the respondent would submit that the award was passed on 20.10.2005, but the possession was not taken over from the petitioner. Further he would fairly submit that though award passed and compensation amount was paid, the respondents have not developed any housing project in the subject property. Therefore, in the event of any application filed for reconveyance, it will be considered in accordance with law.



5. This Court has considered the submissions of the learned counsel appearing on either side.

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6. The respondents having acquired the land in the year 2003 and an award came to be passed in the year 2005, they have neither taken over possession of the land from the petitioner nor taken any steps to implement the project for development of housing scheme. In many cases, the respondents have taken a policy decision to re-convey the lands at the request of the petitioner, if in case they remain un-utilised and no project is commenced within a specified period.

7. In the case on hand, from the date of acquisition proceedings, about 23 years have been passed and no development activities have been commenced. In such case, the petitioner is also entitled to equal treatment at par with other persons to whom the un-utilised land was re-conveyed by the respondents.

8. Such being the case, the petitioner is directed to approach respondents with an application for reconveyance of the subject land. On such application being filed, the respondents are directed to consider the said application, pass appropriate orders for re-conveyance of the land in accordance with law. The entire exercise is directed to be completed within a period of six (6) months from the date of receipt of a copy of this order.



9. With the above directions, this Writ Petition is **disposed of**. No costs.

Consequently, the connected miscellaneous petition is closed.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DSA

To

1. The Secretary,
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Housing and Urban Development Department,
Fort St. George,
Chennai-600009.
2. The Special Tahsildar,
Land Acquisition, Unit-II,
Tamil Nadu Housing Board Scheme,
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KRISHNAN RAMASAMY J.

DSA

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