



1

W.P.(MD)NO.12109 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.P.(MD)No.12109 of 2024

and

W.M.P.(MD)No.17943, 20522, 23932 & 23933 of 2024

D.Kothai

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department,
Fort St. George, Chennai -9.
2. The District Collector,
Virudhunagar District,
Virudhunagar – 626 101.
3. The Revenue Divisional Officer,
Land Acquisition Officer,
Aruppukottai – 626 101,
Virudhunagar District.
4. The Managing Director,
Pandian Roadways Corporation,
Now known as
State Transport Corporation Zone,
Madurai.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, calling for the records of the second respondent published in Tamil Nadu Government Gazette Part VI-Section 1/196(a)/2024 dated 29.02.2024 by issuing notification for time extension of 19(1) Declaration under Section 19(7) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013(Central Act, 30 of 2013) and quash the same and consequently direct the respondents to surrender the possession of the petitioner's said lands in S.No.301/1(0.39 cents) and 301/2(0.45 cents) totally 0.84 cents of Aruppukottai Village, Virudhunagar District and to pay damages for use and occupation from the date of taking possession and till the date of payment of compensation or to pay the market value as on date along with damages for use and occupation.

For Petitioner : Mr.V.Radhakrishnan,
Senior counsel, for Mr.S.Kadarkarai.

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by,
Mr.A.Baskaran,
Additional Government Pleader
for R-1 to R-3.

Mr.S.C.Herold Singh for R-4.

* * *

**ORDER**

WEB COPY

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Additional Advocate General appearing for respondents 1 to 3 assisted by the learned Additional Government Pleader and the learned counsel appearing for the fourth respondent.

2. Notification under Section 4(1) of the Land Acquisition Act, 1894 was issued on 01.09.1976 to acquire 2.86 acres of land comprised in survey Nos.301/1, 301/2 and 302/3A in Aruppukottai Village for the purpose of establishing bus depot of Pandian Roadways Corporation.

3. Urgency clause set out in Section 17(4) of the Act was also invoked. The Government while conceding the title of the writ petitioner's grandfather Late. Ramasamy Naicker over Survey No. 302/3A treated the remaining two survey numbers as Government dry waste and did not award any compensation. Aruppukottai was an inam village. The writ petitioner's father Shri.T.R.Dinakaran



agitated the matter in settlement proceedings. The settlement authorities declined to grant patta. The petitioner's father filed W.P.No.11205 of 1986 before the High Court. On 19.01.1990, the writ petition was allowed and ryotwari patta was directed to be granted in favour of the petitioner's father. Questioning the same, the Government filed W.A No.1145 of 1991 but the same was dismissed on 10.06.1998. The settlement proceedings thus attained finality. The title over survey No.301/1 and 301/2 came to be recognised as belonging to the petitioner's father. Armed with this, the petitioner's father challenged the land acquisition proceedings that were initiated on 01.09.1976 by filing W.P No. 3753 of 2000. On 18.12.2009, the writ petition was allowed and it was held that the land acquisition proceedings in respect of Survey Nos.301/1 and 301/2 stood lapsed. Liberty was given to issue fresh notification under Section 4(1) of the 1894 Act. However, no fresh notification was issued availing the said liberty. Hence, the petitioner's father filed Cont.P.No.1082 of 2011. Thereupon questioning the order dated 18.12.2009, the Government filed writ appeal and the same was numbered as W.A.No.2407 of 2011. This



writ appeal also came to be dismissed by the Hon'ble Division Bench on 26.06.2013.

4.The 1894 Act was repealed and the Parliament enacted Central Act 30 of 2013 (The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013). Even though the new Act had come into force on 01.01.2014, a fresh notification came to be issued under the repealed Act. Challenging the same, WP(MD)No.5854 of 2017 was filed. Even though the acquisition proceedings were clearly not maintainable, considering the public interest involved, the High Court took the view that the matter can be resolved by awarding compensation to the land owner by fixing a sum of Rs.800/- per sq.ft. This figure was acceptable to the writ petitioner's father. The writ petition was disposed of on 23.07.2018 by recording the same. A default clause was also incorporated to the effect that if the compensation amount was not paid, possession of the land should be handed over to the land owner within a period of three months. The authorities neither paid the compensation nor



surrendered possession. Hence, the petitioner's father filed Cont.P. (MD)No.160 of 2019. In the meanwhile, W.A.(MD)No.538 of 2019 was filed questioning the order dated 23.07.2018 in W.P.(MD)No. 5854 of 2017. The writ appeal was dismissed on 28.07.2021 with a cost of Rs.1 Lakh. Challenging the same, SLP was filed and the same was also dismissed on 10.12.2021. Since cost was paid, Cont P(MD)No.160 of 2019 was closed. But the original position (ie) non-payment of compensation as well as the non-surrender of possession continued. Hence, the petitioner's father filed Cont.P. (MD)No.771 of 2022. After issuing statutory notice on 07.07.2022, appropriate orders were also passed in the contempt proceedings.

5.In the meanwhile, the Government initiated acquisition proceedings under the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997. The authorities filed CMP(MD)No. 6681 of 2022 seeking clarification in WA(MD)No.538 of 2019 for liberty to proceed under the 1997 Act. This CMP was also dismissed by the Hon'ble Division Bench on 02.08.2022. It was made clear that acquisition proceedings have to be conducted only



under the Central Act 30 of 2013. Thereupon, notification was issued under Section 11(1) of the new Act (Central Act 30 of 2013) on 01.03.2023. As per the statutory scheme, within twelve months from the issuance of preliminary notification, notification under Section 19(1) of the Act will have to be issued. The said twelve months period expired on 28.02.2024. Section 19(7) of the new Act, however, provided for extension of time in an appropriate case. Purporting to exercise the power of extension conferred under Section 19(7) of the Act, the impugned notification was issued on 29.02.2024 extending the period up to 28.02.2025 by the District Collector. This extension notification dated 29.02.2024 issued under Section 19(7) of the Act is under challenge in this writ petition. During its pendency, the authorities proceeded to issue notification under Section 19(1) of the Act on 14.06.2024 which was gazetted on 18.06.2024. Hence, the petitioner filed W.M.P.(MD)No.23933 of 2024 for amending the prayer portion by including the challenge to the notification issued under Section 19(1) of the Act also. Since the writ petition could not be taken up for final disposal, the amendments were not ordered. Taking



advantage of the same, the District Collector proceeded to hold an award enquiry. This Court had granted stay of the award enquiry.

6.The learned Senior counsel appearing for the petitioner contended that considering the chequered history of the litigation, there was no justification for extending the period of twelve months by invoking power under Section 19(7) of the new Act. He would also add that the notification was not uploaded in the official website and on these two grounds, extension order has to go. Once the extension order is set aside, Section 19(7) of the Act would kick in and the notification issued on 01.03.2023 under Section 11(1) of the Act would stand automatically rescinded.

7.The respondents have filed a counter affidavit and the learned Additional Advocate General took us through its contents. He submitted that by granting extension of time by invoking the second proviso to Section 19(7), the petitioner did not suffer any prejudice. He added that as per the second proviso to Section 19(2) of the Act, there has to be a tentative valuation of the



acquired lands and deposit of the said amount by the acquiring body in full or in part. In order to fulfil these statutory formalities, the authorities had to extend the time by invoking the second proviso to Section 19(7) of the Act. He pressed for dismissal of this writ petition.

8. We carefully considered the rival contentions and went through the materials on record. We also carefully went through the statutory scheme as already mentioned. Section 11(1) of the Act reads as follows:-

“Publication of preliminary notification and power

of officers thereupon. (1) Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification (hereinafter referred to as preliminary notification) to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:—

(a) in the Official Gazette;



WEB COPY

- (b) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;
- (c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-divisional Magistrate and the Tehsil;
- (d) uploaded on the website of the appropriate Government;
- (e) in the affected areas, in such manner as may be prescribed."

Section 15 of the Act reads as follows:-

"Hearing of objections:- 1) Any person interested in any land which has been notified under sub-section (1) of section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to—

- (a) the area and suitability of land proposed to be acquired;
- (b) justification offered for public purpose;
- (c) the findings of the Social Impact Assessment report.



(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final."

Section 19 of the Act reads as follows :-

"Publication of declaration and summary of Rehabilitation and Resettlement -

1) When the appropriate Government is satisfied, after considering the report, if any, made under sub-section



(2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the "resettlement area" for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of a Secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).

(2) The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration referred to in sub-section (1):

Provided that no declaration under this sub-section shall be made unless the summary of the Rehabilitation and Resettlement Scheme is published along with such declaration:



Provided further that no declaration under this sub-section shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed by the appropriate Government toward the cost of acquisition of the land:

Provided also that the Requiring Body shall deposit the amount promptly so as to enable the appropriate Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification under section 11.

(3) In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and resettlement, and all declarations shall be made according to the stages so specified.

(4) Every declaration referred to in sub-section (1) shall be published in the following manner, namely:—

- (a) in the Official Gazette;
- (b) in two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language;
- (c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-



Divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(5) Every declaration referred to in sub-section (1) shall indicate,—

(a) the district or other territorial division in which the land is situated;

(b) the purpose for which it is needed, its approximate area; and

(c) where a plan shall have been made for the land, the place at which such plan may be inspected without any cost.

(6) The declaration referred to in sub-section (1) shall be conclusive evidence that the land is required for a public purpose and, after making such declaration, the appropriate Government may acquire the land in such manner as specified under this Act.

(7) Where no declaration is made under sub-section (1) within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:



Provided that in computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded:

Provided further that the appropriate Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same: Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned."

9.Before we venture into the merits, we would like to clarify the position of law as far as the provision related to extension is concerned. It is surprising that the second proviso to Section 19(7) is silent on the period for which the extension can be made. Section 19(1) of the Act provides that the declaration must be made within twelve months and Section 19(7) provides that failure to do so will lead to rescission of the preliminary notification. The second proviso to Section 19(7) confers the power to extend the



period of twelve months. It is well settled that the principle of “reasonable time” would apply when the statute does not prescribe a limitation period. (**vide *State of Punjab & Ors. v. Bhatinda District Cooperative Milk Producers Union (2007) 11 SCC 363***). The employment of the terms “**Shall** be deemed to have been rescinded” occurring in the body of Section 19(7) cannot be lost sight of. Having regard to the rigour of the mandate in the main body of Section 19(7), we are of the view that in the very nature of things, the extension period cannot be more than the original period prescribed in Section 19(1). We, therefore, hold that while exercising the power of extension under the second proviso to Section 19(7), it cannot be more than twelve months.

10.A bare look at Sections 11, 15 and 19 of the Act extracted above would indicate that before issuing notification under Section 19(1) of the Act, after making preliminary notification under Section 11(1) of the Act, a few formalities will have to be undergone. One requirement is that the authorities have to consider the report under Section 15(2) of the Act. In this case, this question did not arise at all because the petitioner did



not raise any objection to the notification issued under Section 11(1) of the Act. The petitioner was more focussed on securing compensation and no objection was raised to the acquisition proceedings. Therefore, the question of hearing the parties under Section 15 of the Act did not arise at all.

11.Secondly, the question of publishing of declaration and summary of rehabilitation and resettlement also did not arise in this case. The only requirement was to call upon the acquiring body to deposit full or part of the acquisition cost as prescribed by the government.

12.Sub Para (ii)-a of Paragraph No.7 of the counter affidavit filed by the District Collector / second respondent reads as follows:-

"I submit that in view of the new schemes introduced in the meanwhile, viz., 'Kalaighar Magalir Urimai Scheme' on 15.09.2023, 'Makkaludan Mudalvar Scheme' on 22.12.2023 and 'Ungalai Thedi Ungal Ooril thittam' on 02.02.2024, the concerned revenue



officials were placed with additional work burden and anticipating the announcement of the Lok Sabha election in March 2024, it was decided to extend the time limit for the publication of declaration u/s.19(1) of the Act, for a further period of 12 months from 29.02.2024 to 28.02.2025, due to the above administrative reasons.”

13.The learned Senior Counsel appearing for the writ petitioner drew our attention to the recent decision of the Hon'ble Supreme Court reported in **(2024) 10 SCC 533 (Kolkata Municipal Corporation Vs. Bimal Kumar Shah)**. The Hon'ble Supreme Court had incorporated as many as 7 sub-rights. Paragraph No.30 is as follows:-

“**30.** What then are these sub-rights or strands of this swadeshi constitutional fabric constituting the right to property? Seven such sub-rights can be identified, albeit non-exhaustive. These are:

- (i) The duty of the State to inform the person that it intends to acquire his property — *the right to notice*,
- (ii) The duty of the State to hear objections to the acquisition — *the right to be heard*,



- (iii) The duty of the State to inform the person of its decision to acquire — *the right to a reasoned decision,*
- (iv) The duty of the State to demonstrate that the acquisition is for public purpose — *the duty to acquire only for public purpose,*
- (v) The duty of the State to restitute and rehabilitate — *the right of restitution or fair compensation,*
- (vi) The duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings — *the right to an efficient and expeditious process,* and
- (vii) The final conclusion of the proceedings leading to vesting — *the right of conclusion."*

14.Sub right (vi) as delineated by the Hon'ble Supreme Court is clearly applicable to this case. The State has a duty to conduct the acquisition process within the prescribed timelines. Section 19(7) of the Act states that the notification under Section 19(1) of the Act must be issued within 12 months. Of course, if the circumstances justify, this period can be extended by twelve more months. In other words, appropriate reasons must be assigned for



extending the timeline. In the case on hand, not even a single reason has been set out by the District Collector for extending the timeline. Section 19(7) of the Act cannot be mechanically invoked. The requirement of uploading the decision to extend the timeline in the official website can be treated as directory. Failure to upload may not vitiate the proceedings. But in the extension notification, reasons must be explicitly set out.

15.We perused the extension notification dated 29.02.2024. The authority has not even made a formal mention that the circumstances obtaining in the case on hand justify its decision to extend. Nowhere the District Collector had even stated that in his opinion, circumstances exist to justify the extension of the timeline by twelve more months. The only expression that has been employed is “due to administrative reasons”. This is an omnibus reason.

16.Looked at from any angle, we are satisfied that the power under the second proviso to Section 19(7) of the Act has not been



properly or reasonably exercised. It is well settled that whenever administrative power is conferred by a statute, the presumption is that it will be exercised in a manner which is fair in all the circumstances. The standards of fairness are not immutable. (vide ***NHAI vs Madhukar Kumar (2022) 14 SCC 661***). Thus, when power is conferred on an administrative authority, it has to be reasonably exercised. The power to extend is an extraordinary power which cannot be mechanically exercised. In the case on hand, the materials on record do not point to the existence of any justification for invoking the power to extend. Hence, the order impugned in the writ petition is quashed. Consequently, the notification issued under Section 19(1) of the Act stands quashed. Since the preliminary notification under Section 11(1) of the Act stands rescinded, the declaration under Section 19 of the Act also goes. The respondents are directed to forthwith surrender possession of 83 cents of land to the writ petitioner.



WEB COPY 17.This writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
23rd February 2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

PMU/skm

To:

1. The Secretary to Government,
Transport Department,
Fort St. George, Chennai -9.
2. The District Collector,
Virudhunagar District,
Virudhunagar – 626 101.
3. The Revenue Divisional Officer,
Land Acquisition Officer,
Aruppukottai – 626 101,
Virudhunagar District.



WEB COPY



23

W.P.(MD)NO.12109 OF 2024

**G.R.SWAMINATHAN, J.
AND
R.KALAIMATHI, J.**

PMU/skm

W.P.(MD)No.12109 of 2024

23.02.2026