



W.P(MD) No.24163 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 23.03.2026

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.24163 of 2018

&

W.M.P.(MD)Nos.21857 to 21859 of 2018

M.Valliammal

... Petitioner

Vs.

- 1.The Secretary to Government,
Public Works Department (Irrigation)
Fort St.George,
Chennai.**
- 2.The District Collector,
Dindigul District,
Dindigul.**
- 3.The Revenue Divisional Officer,
Dindigul Division,
Dindigul.**
- 4.The Special Tahsildar (Land Acquisition)
Nayodai Tank Scheme,
Dindigul.**



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5. The Junior Engineer,
Public Works Department,
Water Resources Organization,
Parappalaru Dam Section,
Oddanchathram,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 5th Respondent in the impugned notice dated 16.11.2018 issued to the Petitioner and quash the same as illegal and consequently direct the Respondents to fix reasonable compensation to the Petitioners landed properties along with coconut trees, well and dwelling house comprised in Survey No.110/1, in an extent of 3.06 Acres and in S.No.110/3 in an extent 14 cents situated at Sirangadu Village, Dindigul West Taluk, Dindigul District under Right to Fair Compensation and Tranparancy in Land Acquisition, Rehabilitation and Resettlement Act, 2013 .

For Petitioner : Mr.N.S.Karthikeyan

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader



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ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The petitioner challenges the impugned notice dated 16.11.2018 issued by the 5th respondent herein calling upon the petitioner to vacate from the petition mentioned land. The petitioner also wants the compensation to be fixed for the petition mentioned land as per the Central Act 30 of 2013.

3. The learned counsel appearing for the petitioner submitted that the land acquisition proceedings initiated in respect of the subject land should be deemed to have lapsed in view of Section 24 of 2013 Act. He also would add that the award was passed in the name of the petitioner's son Senthil Kumar and that therefore, it cannot be taken as a valid award.

4. We are not impressed by the said submissions. The respondents have filed a counter affidavit as well as typed set of papers. It is seen that the notification under the Land Acquisition Act, 1894 was issued on

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04.05.2000. The authorities had invoked the urgency clause under Section 17 of the Act. Challenging the acquisition proceedings, the petitioner herein filed W.P.No.7882 of 2001. It was dismissed on 16.12.2009. It appears that the petitioner did not file any appeal challenging the said dismissal order. In these circumstances, the acquisition proceedings had become final and the petitioner was rightly treated as an encroacher and issued with the impugned notice.

5. The only question that calls for consideration is whether Section 24 of the Central Act 30 of 2013 can be invoked in favour of the petitioner. When this writ petition was filed, the legal position was in favour of the petitioner.

6. In view of the subsequent decision of the Honourable Supreme Court reported in **(2020) 8 SCC 129 (Indore Development Authority Vs. Manoharlal and others)**, the petitioner has no case. The specific case of the respondents is that the award had already been passed and that the compensation amount had been deposited. Section 24 of the new Act providing for lapse of proceedings initiated under 1894 Act would apply



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only if possession had not been taken or the compensation has not been paid. The expression “or” had been interpreted in the aforesaid decision as conjunctive. The specific stand of the respondents is that since the land owner refuse to receive the compensation, it was deposited. The earlier decision reported in **2014 3 SCC 183 (Pune Municipal Corporation Vs. Harakchand Misirimal Solanki)** was overruled in **Indore Development Authority** case. Because of the change in legal position, we are not in a position to interfere. This Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (R.P., J.)
23.03.2026

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