



W.P.(MD)No.29956 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 09.12.2025

Pronounced on : 06.01.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.29956 of 2025

and

W.M.P(MD)Nos.23179 & 23180 of 2025

Rajeshkumar

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Housing Board, CMDA Complex,
E and C Market Road, Koyambedu,
Chennai - 600 107.
2. The Project Head,
Kamarajar Salai, Maharaja Nagar,
Tirunelveli - 627 011.
3. The District Collector,
The District Collectorate,
Tirunelveli - 627 009.
4. The District Revenue Officer,
The District Collectorate,
Tirunelveli - 627 009.
5. The Tahsildar,
Palayamkottai Taluk,
Tirunelveli - 627 009.



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6. The Sub Registrar,
Melapahaya Sub Registrar Officer,
Tirunelveli.

7. The Commissioner,
Tirunelveli Corporation,
Tirunelveli – 627 001.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarifi to call for the records pertaining to the notification for sale issued by the 2nd respondent in notification No.02/2025 dated 17.09.2025 and quash the same as illegal.

For Petitioner : M/s.S.Vikraman

For Respondents : Mr.M.Ajmal Khan
Additional Advocate General
assisted by
Mr.S.Velmurugan Standing Counsel
for R1 and R2
Mrs.D.Farjana Ghoushia
Special Government Pleader
for R3 to R6
Mr.A.Sivanu Pandian for R7

* * * * *

ORDER

The present writ petition has been filed challenging the public notification issued by the Tamil Nadu Housing Board on 17.09.2025 inviting applications for allotment of plots to the economically weaker sections.



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2. The facts leading to the filing of the writ petition are as follows:-

As per the writ averments, the property in S.No.580/1, plot No.15, Kulavanikapuram, Palayamkottai, Tirunelveli District, was originally owned by the petitioner's father, namely, Thirumal and patta also stood in his name. He had passed away leaving behind his wife, namely, Prema and his two daughters Suja Selvamanohari, Sasikala Sornam and the writ petitioner as his legal heirs.

3. It is further contended in the affidavit that the petitioner's father had obtained a building plan approval and had put up construction in the above said plot. Later the petitioner's father has executed a registered release deed in favour of the petitioner on 15.06.2021. Suddenly in the midst of 2021, the Tamil Nadu Housing Board officials entered into the building and started demolishing the larger extent of the plot on the ground that the lands have been acquired under the Land Acquisition Act, 1894. Without affording any opportunity as per law, the officials have forcibly vacated the petitioner from his residence by demolishing the house. Many complaints were lodged to the higher officials. Later the petitioner came to know about the alleged acquisition in the year 2001 has not been progressed and full compensation amount has not been deposited before the Court concerned. The Housing Board has also given an application to the District Revenue Officer, Tirunelveli, for cancellation of the patta and to enter their name.



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4. It is further contended in the affidavit that the first respondent by way of G.O.(Ms).No.10, Housing and Urban Development [LA-2(2)] Department, dated 23.01.2025 has appointed two men committee to reconvey the acquired lands to the owners which remain unused on the ground that the acquisition proceedings have got lapsed under the Act. In addition to that, a Government order was passed in G.O.(Ms).No.52, Housing and Urban Development [LA-2(2)], Department, dated 27.03.2025, wherein the unused survey numbers have been tabulated. In the said tabulation, the property in dispute is also found. Therefore, the petitioner was under the hope that the lands would be re-conveyed in his favour. Under these circumstances, the impugned public notification has been issued for sale of the plot on 17.09.2025.

Submission of the learned counsels appearing on either side:

5. According to the learned Counsel appearing for the writ petitioner, the award having not been passed within a period of two years from the date of 6 declaration, the entire acquisition proceedings had got lapsed. That apart, the lands have been directed to be re-conveyed to the right to owners under G.O. (Ms).No.52, Housing and Urban Development [LA-2(2)], Department, dated 27.03.2025. That apart, for the past 25 years, no developmental works have taken place in the acquired property. Before cancellation of the patta, notices



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were not issued to the person concerned in whose name patta was standing. In such circumstances, the writ petition has been filed seeking to quash the public notification on the ground that the property continues to be a private property.

6. Per contra, the learned Additional Advocate General appearing for the Housing Board contends that under G.O.(Ms).No.52, Housing and Urban Development [LA-2(2)], Department, dated 27.03.2025, only an extent of 0.37 cents of land was exempted in S.No.1025 which is covered under 4(1) notification dated 04.08.1989. In fact the writ petitioner's property is located in S.No.580/1 having an extend of 4.52 acres. This survey number has not been excluded from the purview of the Land Acquisition Act. Therefore, according to him, the property of the writ petitioner has not been excluded under G.O. (Ms).No.52, Housing and Urban Development [LA-2(2)], Department, dated 27.03.2025 and therefore, the petitioner cannot take advantage of the above said Government Order.

7. The learned Additional Advocate General appearing for the Housing Board further submits that the petitioner's property is covered under notification issued under Section 4(1) of the Land Acquisition Act dated 04.08.1989. The declaration was issued under Section 6 of the said Act on 01.10.1990. The



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award was passed on 04.06.2001. The award amount of Rs.12,87,087/- for the above said survey number was deposited under Section 30 of the Land Acquisition Act on 07.06.2001.

8. The learned Additional Advocate General appearing for the Housing Board further submits that the petitioner's father, namely, Thirumal, had purchased the property from one L.K.S.M.Sheik Mohideen under a sale deed dated 12.08.1991 and later by way of partition deed, the property has been allotted to the writ petitioner on 15.06.2021. Therefore, according to the learned Additional Advocate General, the property was purchased by the petitioner's father only after declaration was issued under Section 6 of the Act. Therefore, the sale deed in favour of the petitioner's father is *void ab initio*.

9. The learned Additional Advocate General appearing for the Housing Board further submits that the petitioner's predecessor in title, namely, L.K.S.M.Sheik Mohideen's legal heirs have challenged the acquisition proceedings before the Principal Bench in W.P.(MD)No.4712 of 2014. This writ petition came to be allowed by the writ Court. Challenging the same, the Housing Board had preferred W.A.No.924 of 2012. Along with other writ appeals, those writ appeals were allowed by the Hon'ble Division Bench on



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15.12.2017. In paragraph No.9 of the said order it has been specifically pointed out that, if the stay period is excluded, the award has been passed within a period of two years from the date of declaration under Section 6 of the Act. This order was put to challenge before the Hon'ble Supreme Court in S.L.P.(c)Nos. 11966-11968 of 2019. The Hon'ble Supreme Court was pleased to dismiss Special Leave Appeal on 22.07.2025. The review petition preferred by the land owners in Review Petition (Civil) Diary No.54760 of 2025 was also dismissed on 04.11.2025. In such circumstances, the petitioner cannot contend that the acquisition proceedings have got lapsed.

10. The learned Additional Advocate General appearing for the Housing Board further submits that the petitioner had filed W.P.(MD)No.15118 of 2021, seeking a mandamus to reconvey the property and to award compensation of Rs.7,00,000/- for illegal demolition of the super structure. The said writ petition was dismissed on 08.12.2023 on the ground that the prayer of the writ petitioner cannot be considered in view of the fact that the property has been transferred to the Housing Board by way of land acquisition proceedings. However, liberty was granted to the petitioner to challenge the acquisition proceedings if the law so permits. Therefore, according to him, when the petitioner's vendor had already challenged the acquisition proceedings and was not successful, the



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present public notification for sale of plot by the Housing Board cannot be challenged.

11. I have considered the submission made on either side and perused the materials available on record.

12. The present writ petition has been filed challenging the public notification issued by the Housing Board inviting applications from the economically weaker sections for sale of plots to them. This notification is challenged primarily on the ground that the petitioner is the owner of the property and without acquiring the said property in a manner known to law, the private property of the petitioner is being sought to be sold to third parties by the Housing Board.

13. In the writ affidavit, there is no whisper about the acquisition proceedings initiated by the Housing Board or the challenge made by the predecessor in title to the said acquisition by the Housing Board. A perusal of the records indicate that the notification was issued by the Government under Section 4(1) of the Act on 04.08.1989 and declaration was issued on 01.10.1990. The award was passed on 04.06.2001. As per the award



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proceedings, one L.K.S.M.Sheik Mohideen and others are shown as the owner of the property. The award amount has been deposited before the Court on 07.06.2001.

14. The petitioner's father, namely, Thirumal, has purchased the property from one L.K.S.M.Sheik Mohideen on 12.08.1991 which is one year after the publication of the notification under Section 6 of the Act. The property has been released in favour of the petitioner only on 15.06.2021.

15. The predecessor in interest, namely, L.K.S.M.Sheik Mohideen's legal heirs, have challenged the same acquisition proceedings on the ground that the acquisition proceedings have got lapsed due to the non-passing of the award within a period of two years from the date of Section 6 declaration. Though the writ petition was allowed by the writ Court, the Hon'ble Division Bench was pleased to allow the writ appeal filed by the Housing Board on 15.12.2017. In paragraph No.9 of the said order, it has been specifically pointed out that if the stay period is excluded, the award has been passed within a period of two years from the date of declaration. The order of the Hon'ble Division Bench has been confirmed by the Hon'ble Supreme Court and the review petition has also been dismissed. Therefore, it is clear that the petitioner cannot contend that the acquisition proceedings have got lapsed.



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16. The other contentions of the learned Counsel appearing for the writ petitioner is that the Government has issued G.O.(Ms).No.10, Housing and Urban Development[LA-2(2)] Department, dated 23.01.2025 appointing two men committee to return the unused lands to the land owners. He also relied upon G.O.(Ms).No.52, Housing and Urban Development[LA-2(2)] Department, dated 27.03.2025 wherein an extent of 68.69 acres in Kulavanigapuram Village, Tirunelveli District, has been released from the acquisition proceedings on the ground that where legal finality has been reached and the lands are not required for further progress.

17. A perusal of the records reveal that the petitioner's lands are located in S.No.580/1, whereas the lands that are released are located in S.No.1025. In such circumstances, the dropping of acquisition proceedings under the above said Government Order does not cover the petitioner's land and therefore, he cannot take advantage of the same.

18. In view of the above said deliberations, it is clear that the acquisition proceedings that were challenged by the predecessor in title of the writ petitioner have been upheld by the Hon'ble Supreme Court. The petitioner's father has purchased the land only after a declaration under Section 6 of the Act.



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19. In such circumstances, there are no merits in the writ petition and the writ petition stands dismissed. No costs. Consequently, connected writ miscellaneous petitions are also closed.

06.01.2026

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

RJR



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R.VIJAYAKUMAR, J.

RJR

Pre-delivery order made
in
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