



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

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CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 36442 of 2023

AND

WMP NO. 36458 OF 2023, WMP NO. 36456 OF 2023, WP NO. 36443 OF 2023

1. V.Sudha,
W/o.Premkumar,
No,18, ThatchanThottam East Street,
Near Government School,
Neelikonampalayam, Coimbatore South
Coimbatore-641 033.

2.R.Kirubakaran,
S/o Rajendran,
No,9, Kani Street, Neeikonampalayam,
Coimbatore South Coimbatore-641033
Ph no. 9600699001

3. R.Jayalakshmi,
W/o Velusamy(E)Rajendran,
No.9,Kani Street,
Neelikonampalayam,
Coimbatore South Coimbatore-641 033.

4. A.Shanmuga Sundaram,
S/o Ayyasamy,
No, 23, Sri Ajantha Nagar,
N S N Palayam, Coimbatore North,
Narasimahanaickenpalayam,
Coimbatore-641 031.

5. A.Selvaraj,
S/o Ayyasamy,
No, 9, Kani Street,
Neelikonampalayam,
Coimbatore South-641 033.



6. A.Ramesh,
S/o Ayyasamy,
No, 3-133 G1, Roja Nagar,
Muthalipalayam, Kattampatti,
Coimbatore-641 107.

7. A.Shanthi,
W/o, Ayyasamy,
No,12/20 ThachanThottam,
Weststreet-2, Neelikonampalayam,
Coimbatore South-641 033.

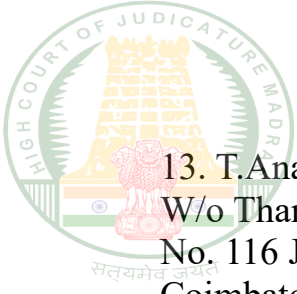
8. A.Muthulakshmi,
W/o Ayyasamy,
No. 9, Kani Street,
Neelikonampalayam, Coimbatore South,
Coimbatore-641 033.

9. V.Kumarasamy,
S/o Vellingiri,
No. 5/7, North Street 2,
Coimbatore South,
Coimbatore-641 033.

10. V.Ravi,
S/o Vellingiri,
No. 7, North Street 2,
Neelikonampalayam,
Coimbatore South,
Coimbatore-641 033.

11. V.Mahalingam,
S/o Vellingiri,
No. 5, North Street No 2,
Neelikonampalayam,
Coimbatore South,
Coimbatore-641 033.

12. V.Kanagaraj,
S/o Vellingiri,
No. 5/7, North Street No 2,
Neelikonampalayam,
Coimbatore South,
Coimbatore-641 033.



13. T.Ananthi,
W/o Thangaraj,
No. 116 J, Venkateshan Road,
Coimbatore North, Thudiyalur,
Coimbatore-641 034.

Petitioner(s)
in W.P.No.36422 of 2023

Vs

1.The State Of Tamil Nadu,
Rep. by the secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai- 600 009.

2.The Chairman,
Tamilnadu Housing Board, Nandanam,
Chennai- 600035.

3.The Executive Engineer
Tamil Nadu Housing Board, Tatabad,
Coimbatore-641 012.

4.The Special Tahsildar (Land
Acquisition)
Housing Scheme, Tatabad,
Coimbatore-641 012.

5.The Tahsildar
Coimbatore North,
Coimbatore-641 018.

Respondent(s)
in W.P.No.36422 of 2023

1.M.Senthil Kumar,
S/o Mahalingam,
4th, North Street - 2 Neelikonampalayam,
Coimbatore 641 033.



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2.Radhamani Mahaligam
W/o Mahilingam,
4th North Street -2 Neeleykonampalayam,
Coimbatore – 641 033.

3.Vanitha Rangaraj,
W/o Rangaraj,
18/3 Alagirichettipalayam,
Kinathukadavu ,Sulkkal,
Coimbatore – 642 110.

4.Sundharammal,
W/o Rangaswamy,
No 6/ 333 ,Moogilmada,
Kozhipathy ,Vannamada, Palakkad,kerala-
678 555.

5.Selvamani Mohan,
W/o Mohan,
40th, Perumal Kovil Street
Neelikonampalayam,
Coimbatore 641 033.

6.Thangavel Nanjappan,
S/o Nanjappan,
17, ThachanThottam, East Street 2,
Neeleykonampalayam,
Coimbatore – 641 033.

7.Savithiri Kadasamy,
W/o kandasamy 1st North Sreet
Neeleykonampalayam,
Coimbatore - 641 033.

8.Rajamani Rathinasamy,
W/o Rathinasamy,
No, 1/14,Servaikaranpalayam,
Mappillaigoundenpudur, Coimbatore,
Pollachi-642005

9.Velmurugan
S/o Arumugan Vetaikaran Kovil Street,
Neelikonampalayam,
Coimbatore- 641 033.



10.Nagarajan Arumugam,
S/o Arumugam,
No.41, Neeleykonampalayam, Vetaikaran
Kovil Street, Neelikonampalayam,
Coimbatore – 641 033.

11.Siva Kumar,
S/o Arumugam,
41/2, Vadaikarankovil Street,
Neeleykonampalayam,
Coimbatore – 641 033.

12.Muthumanickam,
S/o Thangavel,
1/17, Pollachi Taluka , Servakaranpalayam,
Coimbatore- 642 005.

Petitioner(s)
in WP No. 36443 of 2023

Vs

1. The State of Tamil Nadu,
Rep. by the secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai- 600 009.

2.The Chairman,
Tamilnadu Housing Board,
Nandanam, Chennai- 600 035.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad, Coimbatore-641 012.

4.Special Tahsildar (Land Acquisition)
Housing Scheme, Tatabad,
Coimbatore-641 012.

5.Tahsildar,
Coimbatore North, Coimbatore-641 018

Respondent(s)
in WP No. 36443 of 2023



PRAYER in WP No. 36442 of 2023:-Writ Petition filed under article 226 of the Constitution of India, praying for an issuance of Writ of Declaration, to declare that the notification issued by the 1st respondent under section 4(1) of the Land acquisition Act 1894 in G.O.Ms.1273 (Housing and Development Department) dated 22.9.1988, the declaration issued under section 6 of the Act in G.O.Ms.No.909 (Housing and Development Department) dated 5.10.1989 and the award in Award No.2/91 dated 25.10.1991, as void, non-est in law and lapsed.

PRAYER in W.P.No.36443 of 2023-Writ Petition filed under article 226 of the Constitution of India, praying for an issuance of Writ of Declaration, to declare that the notification issued by the 1st respondent under section 4(1) of the Land acquisition Act 1894 in G.O.Ms.1273 (Housing and Development Department) dated 22.9.1988, the declaration issued under section 6 of the Act in G.O.Ms.No.909 (Housing and Development Department) dated 5.10.1989 and the award in Award No.2/91 dated 25.10.1991, as void, non-est in law and lapsed.

In both W.Ps

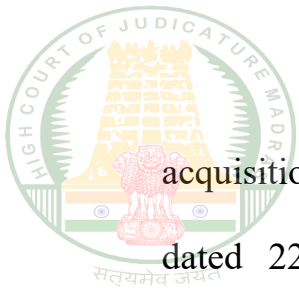
For Petitioner(s): Mr.L.P.Shanmugasundaram

For Respondent(s): Mr.G.Velu
Additional Government Pleader
for R1, R4 and R5

Mr.V.Gunasekaran
Standing Counsel for R2 & R3.

COMMON ORDER

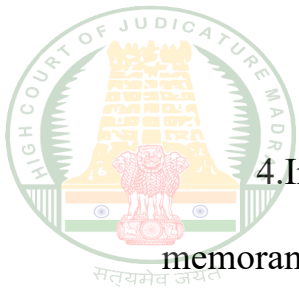
These writ petitions have been filed by the petitioners seeking to declare that the notification issued by the 1st respondent under Section 4(1) of the Land



acquisition Act 1894 in G.O.Ms.1273 (Housing and Development Department) dated 22.9.1988, the declaration issued under Section 6 of the Act in G.O.Ms.No.909 (Housing and Development Department) dated 5.10.1989 and the award in Award No.2/91 dated 25.10.1991, as void, non-est in law and lapsed.

2.Learned counsel for the petitioners would submit that the subject properties more fully described in the affidavit filed in support of the writ petitions are the petitioners' ancestral properties, which were acquired by the Government for construction of houses under "Aerodrome Neighbourhood Scheme" through the notification issued under Section 4(1) of the Land Acquisition Act, 1894 in G.O.Ms.No.1273, Housing and Urban Development Department dated 22.09.1988 and an award came to be passed on 25.10.1991 in Award No.2/9. However, according to the petitioner, till date the possession of the land acquired was not taken by the respondents and no compensation was paid. Hence, he prayed to declare the impugned acquisition proceedings as void, non-est in law and lapsed.

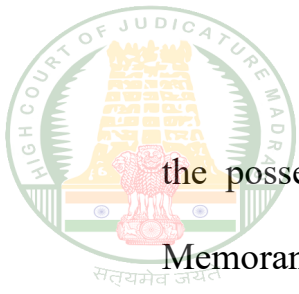
3.Learned Standing Counsel appearing for the respondents 2 and 3 filed a counter affidavit stating that they have paid compensation in the Civil Court. However, he is not in a position to produce the proof for the same.



4. In reply, learned counsel for the petitioner by referring the official memorandum issued by the Public Information Officer/Principal District Judge, Coimbatore, obtained by the petitioner vide RTI Nos.196 to 199 of 2022 would submit that, with regard to the S.F.495/2, 485/3 & 495/4A in LAOP.Nos.43 of 1992 & 148 of 1997, no compensation was deposited so far. Therefore, he would submit that neither compensation is paid nor the possession is taken over by the respondents. Hence, he would submit that as per the provision of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (hereinafter referred as 'the Act'), the entire acquisition proceedings in respect of the subject properties got lapsed. He would also submit that the Hon'ble Division Bench of this Court in the case of ***Tamil Nadu Housing Board & another vs. Uma Maheshwari Ramasamy & other*** reported in ***2011(5) CTC 503***, has declared the similar notification issued under Section 4(1) of the Land Acquisition Act for the same Neighborhood Scheme as lapsed and hence, he prayed to allow the present writ petition.

5. Heard the learned counsel for the petitioner; learned Additional Government Pleader appearing for the respondents 1, 4 & 5 and the learned Standing Counsel appearing for the respondents 2 and 3.

6. Considering the submissions made by either parties, it is evident that, there is no dispute with regard to the possession of the subject properties since



the possession is with the petitioners. Further, upon perusal of the Official Memorandum issued by the Public Information Officer / Principal District Judge, Coimbatore, obtained by the petitioner through Right to Information Act, in LAOP.Nos.43 of 1992 and 148 of 1997, pertaining to the S.F.Nos.495/2, 495/3 and 495/4A, it is seen that no compensation amount was deposited by the respondents for the acquisition of subject properties. Therefore, it is clear that the compensation is not paid and the possession also not taken over by the respondents. Since there is a failure on the part of the respondents to make the payment of compensation as well as to take possession, as per the provision under Section 24(2) of the Act, the entire acquisition proceedings will get lapsed.

7.For better appreciation Section 24(2) of the Act is extracted hereunder:-

“24(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act 1894, where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:-

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the



notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”

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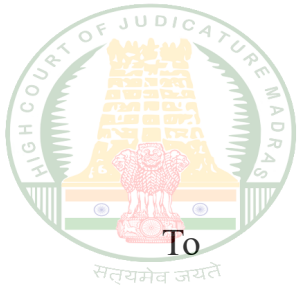
Section 24(2) of the Act says that if possession is not taken over and the compensation is not paid, in such case, the entire acquisition proceedings will get lapsed, if the acquisition proceeds initiated five years prior to the commencement of this Act.

8.In the present case, the acquisition proceedings initiated as early as on 22.09.1988, which comes within the scope of Section 24(2) of the Act and since no amount of compensation is paid as well as the possession is not taken over, Section 24(2) of the Act would attracts the present case in hand. Thus, the present writ petition is required to be allowed.

9.With the above observation, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

26-11-2025

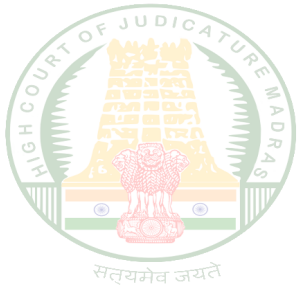
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



To

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Chennai- 600 009.
2. The Chairman,
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Acquisition)
Housing Scheme, Tatabad,
Coimbatore-641 012.
5. The Tahsildar,
Coimbatore North,
Coimbatore-641 018.



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WP Nos.36442 & 36443 of 2023



KRISHNAN RAMASAMY J.
rst

WP No. 36442 of 2023
AND WMP NO. 36458 OF 2023,
WMP NO. 36456 OF 2023,
WP NO. 36443 OF 2023

26-11-2025