



W.P(MD)No.29954 of 2025

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Reserved on : 02.12.2025

Pronounced on : 06.01.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.29954 of 2025

and

W.M.P(MD)Nos.23172 & 23173 of 2025

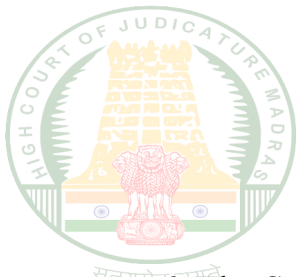
Uma

... Petitioner

Vs.

1. The Chairman,
Tamilnadu Housing Board,
CMDA Complex,
E and C Market Road,
Koyambedu, Chennai – 600 107.
2. The Project Head,
Tamil Nadu Housing Board,
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.

1/18



W.P(MD)No.29954 of 2025

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 Certiorari 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 : Mr.V.Prakash
Senior Counsel for
Mr.K.Mahendra Prabhu

For Respondents : Mr.M.Ajmal Khan
Additional Advocate General
assisted by
Mr.S.Velmurugan
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 a paper notification issued by the Tamil Nadu Housing Board on 17.09.2025 for sale of 859 plots for the people belonging to the economically weaker sections.



W.P(MD)No.29954 of 2025

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

The Government of Tamil Nadu had issued notification under Section 4(1) of the Land Acquisition Act, 1894 (herein after the Act) by way of G.O.Ms.No.784, Housing and Urban Development Department dated 04.08.1989. A declaration under Section 6 of the said Act was issued under G.O.Ms.No.1191 of the same Department dated 01.10.1990. An award came to be passed under Section 11 of the said Act on 04.06.2001. These dates and events are not in dispute.

3. According to the learned Senior Counsel appearing for the writ petitioner, she is the owner of S.Nos.75, 76, 77, 91 and 92 described in S.No. 1025 situated at Kulvanigapuram Village, Palayamkottai Taluk, Melapalayam Sub Registrar Division, Tirunelveli District, by way of settlement deed dated 07.09.2012. According to the petitioner, the revenue records have been mutated in her name in January 2021. When she came over to Madurai, she found that some earth work is being carried out by the Tamil Nadu Housing Board and they claimed that the lands have been acquired. The petitioner had filed W.P.(MD)No.18680 of 2021 seeking a mandamus forbearing the respondents from laying of roads and putting up construction in S.No.1025.



W.P.(MD)No.29954 of 2025

This writ petition came to be disposed of on 20.11.2023, granting liberty to the petitioner to challenge the order of the District Revenue Officer, Tirunelveli, dated 24.11.2022.

4. It is further contended in the writ petition that patta standing in her name was mutated in the name of the Tamil Nadu Housing Board behind her back and she was forced to file W.P.(MD)No.10436 of 2024. This Court by an order dated 05.06.2024, allowed the writ petition on the ground that the mutation of the revenue records has taken place behind her back and remitted the matter back to the District Revenue Officer, Tirunelveli, to pass fresh orders on merits after giving due opportunity to the writ petitioner. Thereafter, the present impugned notification has been issued by the Tamil Nadu Housing Board calling for applications from the economically weaker sections of the Society for sale of 859 plot. Hence, the present writ petition.

5. According to the learned Senior Counsel appearing for the writ petitioner, when the property was settled in favour of the writ petitioner, it was already an approved layout and the plots were standing separately in the name of the petitioner. In such circumstances, notice should have been issued to the writ petitioner calling the enquiry after notification under Section 4(1) of the



W.P(MD)No.29954 of 2025

Land Acquisition Act. However, no notice was issued. He further submits that declaration under Section 6 of the Act was issued on 01.10.1990 and the award was passed only on 04.06.2001 and therefore, the proceedings shall be deemed to have been lapsed in view of the fact that the award has not been passed within a period of two years from the date of declaration under Section 6 of the Act as contemplated under Section 11-A of the Act. He relied upon two decisions of the Hon'ble Supreme Court reported in ***Raj Kumar Gandhi Vs. Chandigarh Administration and others, (2018) 7 SCC 763 and Kunwar Pal Singh Vs. State of U.P. and others, (2007) 5 SCC 85.***

6. The learned Senior Counsel appearing for the writ petitioner further submits that though the petitioner's name was reflected in the revenue records, no notice was issued either for an enquiry under Section 5-A of the Act or for passing of the award under Section 11 of the Act. The petitioner or his predecessors in title have never questioned the acquisition proceedings. In such circumstances, the authorities cannot rely upon the stay order obtained by the adjacent land owners to get over the period of limitation as prescribed under Section 11-A of the Act. Any order passed in those proceedings would not be binding upon the writ petitioner in view of the fact that neither herself nor her predecessors in title were parties.



W.P(MD)No.29954 of 2025

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7. The learned Senior Counsel appearing for the writ petitioner further submits that the award should have passed within a period 2 years from 01.10.1990, namely, on or before 30.09.1992. Therefore, the acquisition proceedings have got lapsed in the year 1992 itself. The petitioner had purchased the property only in the year 2012, several years after the acquisition proceedings have got lapsed. Therefore, the petitioner being an absolute owner of the property and having the revenue records in her name, the Tamil Nadu Housing Board authority cannot make a publication for sale of the plots which is against her constitutional right as guaranteed under Article 300-A of the Constitution of India.

8. The learned Senior Counsel appearing for the writ petitioner further submits that even before the property was acquired by the Tamil Nadu Housing Board, approved layout was in existence. Therefore, the Government or the Housing Board cannot issue notices to their predecessors in title. Once the title is separate and distinct in the name of each one of the owners in the approved layout, the authorities ought to have issued notices to each one of them. He further submits that since the acquisition proceedings were not challenged by the petitioner or by her predecessors in interest, there is no legal impediment



W.P(MD)No.29954 of 2025

whatsoever for the revenue officials to pass an award under Section 11 of the Act. However, they have taken more than 11 years for passing the award. In such circumstances, the acquisition proceedings have got lapsed in the year 1992 and the petitioner having purchased the property in the year 2012, continues to be the absolute owner of the property and any notification issued by the Housing Board for sale of her private property would be clearly in violation of law and therefore, liable to be set aside.

9. Per contra, the learned Additional Advocate General appearing for the Housing Board submits that other land owners have preferred writ petition seeking a declaration that 4(1) notification and declaration under Section 6 of the Act are null and void on the ground that the acquisition proceedings have got lapsed under Section 11-A of the Act. These writ petitions came to be allowed by the writ Court which was put to challenge in W.A.No.924 of 2012 batch cases. The appeal preferred by the Tamil Nadu Housing Board was allowed by the Hon'ble Division Bench on 15.12.2017 with an observation that if the period of stay is excluded, the award has been passed within a period of two years. He further submits that the Special Leave Petition filed by the land owners in S.L.P.(c)No.11966 to 11968 of 2019 was dismissed by the Hon'ble Supreme Court on 22.07.2025. A review petition filed by one of the land owners



W.P(MD)No.29954 of 2025

in Review Petition(civil) Diary No.54760 of 2025 was dismissed by the Hon'ble

Supreme Court on 04.11.2025. According to him, the acquisition proceedings having been challenged on the ground that they got lapsed under Section 11-A has ordered in favour of the Housing Board and therefore, the same plea cannot be raised by another adjacent land owner whose lands have been acquired under the same acquisition proceedings. He also relied upon the decision of the Hon'ble Supreme Court reported in ***U.P.Jal Nigam, Lucknow and another Vs. Kalra Properties (P) Ltd., Lucknow and others, (1996) 3 SCC 124 and Shiv Kumar and another Vs. Union of India and others, (2019) 10 SCC 229***.

10. The learned Additional Advocate General appearing for the Housing Board further submits the writ petitioner, namely, Uma, claims title to the property under a settlement deed said to have been executed by one Chandramouli on 07.09.2012. In the present case, 4(1) notification has been issued on 04.08.1989 and 6 declaration was made on 01.10.1990. The award came to be passed on 04.06.2001. Only thereafter, the petitioner is said to have acquired title to the property on 07.09.2012. In such circumstances, the document in favour of the writ petitioner is clearly null and void. He further submits that there is no pleading whatsoever with regard to the contentions raised in the argument that the acquisition proceedings got lapsed in view of the



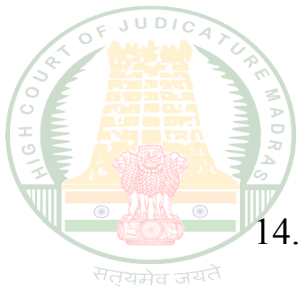
W.P(MD)No.29954 of 2025

non-passing of the award within a period of two years. In such circumstances, the said submission cannot be raised in the argument stage. Hence, he prayed for dismissal of the writ petition.

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

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

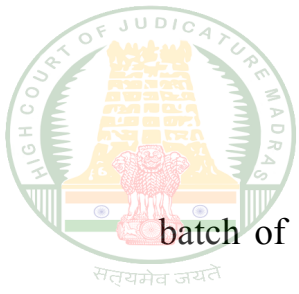
13. The said notification is challenged primarily on the ground that the acquisition proceedings have got lapsed as contemplated under Section 11-A of the Act in view of the non-passing the award within a period of two years from the date of issuance of declaration.



W.P(MD)No.29954 of 2025

14. The Government had issued notification under Section 4(1) of the Act on 04.08.1989 and 6 declaration on 01.10.1990. The award has been passed on 04.06.2001. The property has been settled in favour of the writ petitioner on 07.09.2012.

15. Admittedly, neither the petitioner nor his predecessor in title have challenged the acquisition proceedings. Therefore, according to the learned Senior Counsel appearing for the writ petitioner, there was no legal impediment for the revenue officials to pass an award as far as the petitioner is concerned. The award having not been passed within a period of two years from the date of 6 declaration would automatically result in lapse of the acquisition proceedings. However, the learned Additional Advocate General appearing for the Housing Board submits that a large number of land owners whose lands were covered under the same notification have challenged the acquisition proceedings before the High Court and had obtained interim orders. The writ petition was also allowed by the writ Court. However, the appeal filed by the Hosing Board, was allowed on 15.12.2017 specifically on the ground that when the stay period is excluded, the award has been passed within a period of two years from the date of declaration. He extensively relied upon the order of the Hon'ble Division Bench in W.A.No.924 of 2012 dated 15.12.2017. Therefore, it is clear that a

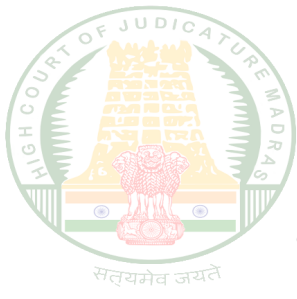


W.P(MD)No.29954 of 2025

batch of writ petitions have been filed by the adjacent land owners under the same acquisition proceedings and stay orders have been passed by the High Court.

16. The Hon'ble Supreme Court in a judgment reported in ***Abhey Ram and others Vs. Union of India and Others, (1997) 5 SCC 421***. In paragraph No.9 has held as follows:-

“We proceed on the premise that the appellants had not obtained any stay of the publication of the declaration but since the High Court in some of the cases has, in fact, prohibited them as extracted hereinbefore, from publication of the declaration, necessarily, when the Court has not restricted the declaration in the impugned orders in support of the petitioners therein, the officers had to hold back their hands till the matters were disposed of. In fact, this Court has given extended meaning to the orders of stay or proceeding in various cases, namely, Yusufbhai Noormohmed Nendoliya v. State of Gujarat, Hansraj H. Jain v. State of Maharashtra, Sangappa Gurulingappa Sajjan v. State of Karnataka 17, Gandhi Grah Nirman Sahkari Samiti Ltd. v. State of Rajasthan, G. Narayanaswamy Reddy v. Govt. of Karnataka and Roshnara Begum v. Union of India²⁰. The words "stay of the action or proceeding" have been widely interpreted by this Court and mean that any type of the enquiry under Section 5-A was put in issue and the declaration under Section 6 was



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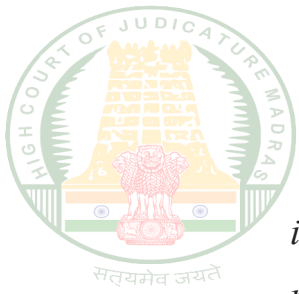
W.P(MD)No.29954 of 2025

questioned, necessarily unless the Court holds that enquiry under Section 5-A was properly conducted and the declaration published under Section 6 was valid, it would not be open to the officers to proceed further into the matter. As a consequence, the stay granted in respect of some would be applicable to others also who had not obtained stay in that behalf.”

17. The Hon'ble Supreme Court in a judgment reported in ***Om Prakash Vs. Union of India and others, (2010) 4 SCC 17***. In paragraph Nos.70, 71 and 72 has held as follows:-

“70. Perusal of the opinion of the Full Bench in B.R. Gupta-P would clearly indicate with regard to interpretation of the word "any" in Explanation 1 to the first proviso to Section 6 of the Act which expands the scope of stay order granted in one case of landowners to be automatically extended to all those landowners, whose lands are covered under the notifications issued under Section 4 of the Act, irrespective of the fact whether there was any separate order of stay or not as regards their lands. The logic assigned by the Full Bench, the relevant portions whereof have been reproduced hereinabove, appear to be reasonable, apt, legal and proper.

71. It is also worth mentioning that each of the notifications issued under Section 4 of the Act was composite



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W.P(MD)No.29954 of 2025

in nature. The interim order of stay granted in one of the matters i.e. Munni Lal and confirmed subsequently have been reproduced hereinabove. We have also been given to understand that similar orders of stay were passed in many other petitions. Thus, in the teeth of such interim orders of stay, as reproduced hereinabove, we are of the opinion that during the period of stay the respondents could not have proceeded further to issue declaration/notification under Section 6 of the Act. As soon as the interim stay came to be vacated by virtue of the main order having been passed in the writ petition, the respondents, taking advantage of the period of stay during which they were restrained from issuance of declaration under Section 6 of the Act, proceeded further and issued notification under Section 6 of the Act.

72. Thus, in other words, the interim order of stay granted in one of the matters of the landowners would put complete restraint on the respondents to have proceeded further to issue notification under Section 6 of the Act. Had they issued the said notification during the period when the stay was operative, then obviously they may have been hauled up for committing contempt of court. The language employed in the interim orders of stay is also such that it had completely restrained the respondents from proceeding further in the matter by issuing declaration/notification under Section 6 of the Act.”



W.P.(MD)No.29954 of 2025

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18. In view of the judgments of the Hon'ble Supreme Court, it is clear that when an order of interim stay has been granted even in respect of the some of the landowners who had challenged the acquisition proceedings, the hands of the officials would be tied from proceeding under the Act. In a common notification, when several lands are sought to be acquired, the authorities have to conduct the award enquiry commonly for all of them. They cannot segregate the land owners who have not challenged the acquisition proceedings and then proceed with the award enquiry. No purpose would be served in passing the award with regard to the some smaller extent of land (whose land owners have not challenged the acquisition proceedings) when the acquisition proceedings in respect of larger extent of land have been stayed by the High Court. In case those writ petitions are allowed, the entire project would have to be recalled. Therefore, the authorities cannot be found fault for not proceeding with the award enquiry with regard to smaller extent land owners.

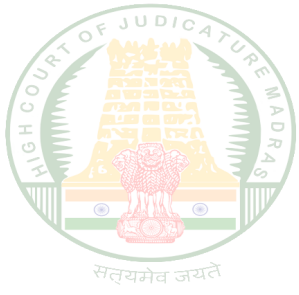
19. In the present case, the patta standing in the name of the writ petitioner was mutated in the name of the Tamil Nadu Housing Board by way of an order of the District Revenue Officer, Tirunelveli on 24.11.2022. This order was put to challenge by the petitioner in W.P.(MD)No.10436 of 2024. The said



W.P(MD)No.29954 of 2025

writ petition was allowed on the ground that the petitioner was not heard before passing of such order and it was remitted back. After remand, order was passed by the District Revenue Officer, Tirunelveli, on 23.04.2025 rejecting the request of the petitioner for transfer of patta in her name. This order has not been put to challenge by the petitioner.

20. In view of the above said deliberations, it is clear that even though the petitioner or her predecessor in title have not challenged the acquisition proceedings, the stay order obtained by her adjacent land owners under the same acquisition proceedings had resulted in postponement of the award enquiry. The Hon'ble Division Bench in W.A.No.924 of 2012 batch cases, dated 15.12.2017 had found that if the stay period is excluded, the award proceedings are within a period of two years. This order has been confirmed by the Hon'ble Supreme Court also. The petitioner having purchased the land after the date of award, would not have any right to contend that the acquisition proceedings have got lapsed for non-passing of the award as contemplated under Section 11-A of the Act.



W.P(MD)No.29954 of 2025

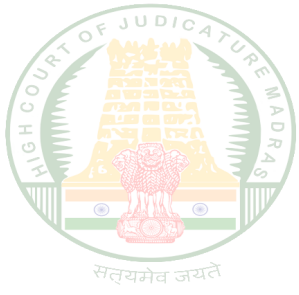
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21. In the result, there are on merits in the writ petition and the writ petition stands dismissed. No costs. Consequently, connected writ miscellaneous petitions are also closed.

06.01.2026

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

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W.P(MD)No.29954 of 2025

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To

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Tamilnadu Housing Board,
CMDA Complex,
E and C Market Road,
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W.P.(MD)No.29954 of 2025

R.VIJAYAKUMAR, J.

RJR

Pre-delivery order made
in
W.P.(MD)No.29954 of 2025

06.01.2026