

WEB COPY



W.A.No.1638 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.07.2026

DELIVERED ON : 03.09.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1638 of 2026

AND

C.M.P.No.15035 of 2026

1.The Secretary to Government
Public Works Department, Secretariat,
Fort St. George, Chennai 600 009

2.The District Collector
Coimbatore District, Coimbatore 18

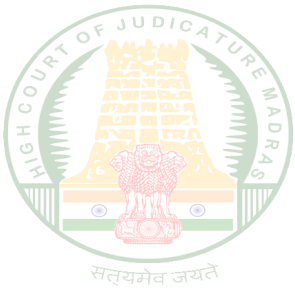
3.The District Revenue Officer
Collectorate Complex, Coimbatore 18

4.The Revenue Divisional Officer
Collectorate Complex, Coimbatore 18

5.The Special Tahsildar (LA)
National Highways
Collectorate Complex, Coimbatore 18

6.The Tahsildar
Sulur Taluk, Coimbatore District

Appellant(s)



W.A.No.1638 of 2026

Vs

V. Nagaraj (Deceased)

1. Kuttammal
M/o. Late V. Nagaraj

2. Hemalatha
W/o. Late V. Nagaraj

3. N Janani
D/o. Late V. Nagaraj

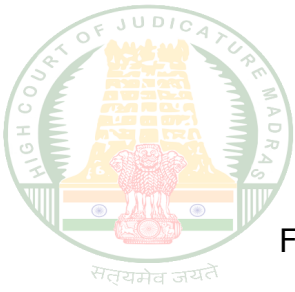
4. N Dharun Krishna
S/o. Late V. Nagaraj

R1 to R4 are residing at Door No.205/206,
Poonga Nagar, Civil Aerodrome Post,
SITRA, Coimbatore 14

5. The Project Director
NHA I Coimbatore PIU,
15-A, Kongu Nagar East,
Trichy Road, Ramanathapuram,
Kongu Nagar, Kallimadai,
Coimbatore, Tamil Nadu 641 045

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside
the order dated 27.10.2025 passed by the learned Single Judge in
W.P.No.6802 of 2020.



WEB COPY



W.A.No.1638 of 2026

For Appellant(s) : Mr.P.V.Balasubramaniam
Additional Advocate General
Assisted by Mr. K.Kumaran
Government Pleader

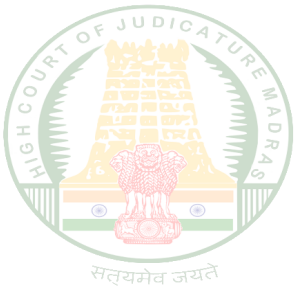
For Respondent(s) : Mr.Abdul Saleem
Senior Counsel for Mr. B.Nithish Kumar
for R1 to R4

Mr.AR.L.Sundaresan
Additional Solicitor General of India
Assisted by Mr.SU.Srinivasan
Standing Counsel for R5

JUDGMENT

G.ARUL MURUGAN, J.

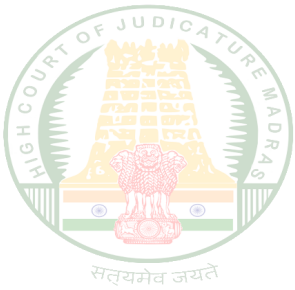
The State has preferred this intra-Court appeal assailing the order dated 27.10.2025 in W.P.No.6802 of 2020, whereby the writ Court directed the appellants to reconsider whether the subject property is required for the notified public purpose and if required, the writ petitioners would be entitled to compensation in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), and if not required for the notified purpose, the appellants shall be at liberty to release the subject property.



W.A.No.1638 of 2026

2.1. The brief facts are that one late Ramasamy Konar was the owner of 3.56 acres of land, while his brother Kalimuthu owned 50 cents, in all 4.06 acres in S.No.183/1 of Pattanam village, Coimbatore district. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for brevity "the Act"), was issued *vide* G.O.Rt.No.2491 PWD, dated 11.09.1974 and published in Tamil Nadu Government Gazette dated 13.11.1974 for acquiring the entire 4.06 acres along with other lands, covering a total extent of 21.22 acres, for the formation of a bypass road (Outer Ring Road) on NH-47 from Nilambur to Madukkarai.

2.2. An enquiry under Section 5A of the Act was conducted by the Land Acquisition Officer on 06.01.1975. Thereafter, the declaration under Section 6 of the Act was issued *vide* G.O.Rt.No.502 PWD dated 21.02.1976. Consequent to notice issued for the award enquiry dated 22.03.1976, an enquiry under Section 11 of the Act was conducted by the Acquisition Officer on 24.04.1976. Ultimately, Award No.2 of 1978 was passed on 20.01.1978.



W.A.No.1638 of 2026

2.3. Ramasamy Konar and Kalimuthu Konar, were identified as the owners. Out of the 4.06 acres, 3.56 acres belonged to Ramasamy Konar and 0.50 cents belonged to Kalimuthu Konar. While there was no encumbrance in respect of the portion belonged to Ramasamy Konar, his brother, Kalimuthu Konar, had mortgaged 0.50 cents to the Pattanam Village Co-operative Agricultural Credit Society.

2.4. The compensation payable to Kalimuthu Konar was credited to the Society and the compensation amount of Rs.5,117.50 determined for Ramasamy Konar was paid without any protest. Following the passing of the award, notice under Section 12(2) of the Act was served on the landowners, and possession of the land was taken and handed over to the Divisional Engineer, National Highways Department, on 21.01.1978. Pursuant to this, a road was formed over an extent of 0.71 cents in Survey No.183/1, and the remaining 3.36 acres were kept vacant by the Highways Department, which are now to be utilised for the expansion of the highway.

2.5. After a period of 40 years from the acquisition, a writ petition was filed seeking a declaration that the acquisition proceedings under the Act, in respect of 3.36 acres in Survey

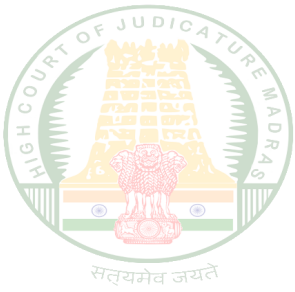
Page 5 of 38



W.A.No.1638 of 2026

No.183/1, had lapsed by operation of the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (for brevity "the New Act"). It is claimed that although an enquiry notice was issued to late Ramasamy Konar, since the acquisition authority urgently sought possession of the land for formation of road, a portion of 0.71 cents was voluntarily handed over but however, the landowners continued to remain in physical possession of the remaining 3.36 acres, for which compensation was never paid.

2.6. While so, late Ramasamy Konar who died on 29.08.2019 had executed a will dated 15.11.2018 in favour of the deceased first petitioner, V. Nagaraj, upon whose demise his legal heirs were substituted as petitioners 2 to 5 in the writ petition. The writ petitioners claimed that as per the recitals in the will, late Ramasamy Konar had no children and since V. Nagaraj had taken care of him, he had executed the Will bequeathing the subject property in favour of V. Nagaraj. The appellants/ respondents 1 to 5 in the writ petition resisted the claim by filing a detailed counter affidavit.



W.A.No.1638 of 2026

WEB COPY

2.7. It was contended that the entire land acquisition proceedings were completed, an award was passed, compensation was paid, and the land was put to use by the Highways Department. The very will based on which the claim was made in the writ petition was also disputed. The learned single Judge, relying on various orders passed during the pendency of the writ petition, observed that despite several opportunities, the original files were not produced.

2.8. It is further observed that since property rights are a constitutional right guaranteed under Article 300A of the Constitution of India, delay and lapses cannot be put against the landowners. The appellants, who are superior authorities, cannot take advantage of their own failure in not producing the original files. The learned single Judge further observed that since no documents were annexed, particularly the Section 12(2) notice for filing the award with the District Collector, no valid award was passed and since the deposit of compensation was not established and possession had not been taken in a valid manner, the claim made is justified. Holding so, the learned single Judge directed the State to reconsider whether the subject property is required and, if required, pay compensation in view of the

Page 7 of 38



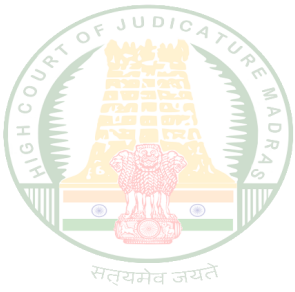
W.A.No.1638 of 2026

New Act or release the subject property. Aggrieved, the State is before this Court on appeal.

WEB COPY

3.1. Mr.P.V.Balasubramaniam, learned Additional Advocate General appearing for the appellants/State, submitted that the entire land acquisition proceedings were initiated in the year 1974 and the entire proceedings were fully completed and after the possession was handed over, the Highways Authority had also laid the outer ring road. Therefore, the very claim made in the writ petition seeking a lapse under Section 24(2) of the New Act is not maintainable and is without any basis.

3.2. Learned Additional Advocate General further submitted that the writ petitioners, not being the original owners, have no *locus standi* to maintain the writ petition and are attempting to agitate a stale claim, that too, over which they have no right, title or interest. He further contended that a huge fraud and fabrication had been committed, whereby this Court was misled by filing fabricated and forged documents, asserting that the subject property continues to remain under the ownership of the original owner.

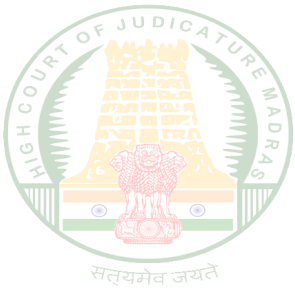


W.A.No.1638 of 2026

WEB COPY

3.3. By producing the entire original district file, learned Additional Advocate General brought to our notice that the original records pertaining to the subject property clearly revealed that the land comprised in Survey No. 183/1 was classified as Government Poramboke, specifically designated as 'Highway'. He further pointed out that the documents produced by the petitioners before the writ Court had been fabricated. When in the genuine original records, the land was shown as Government Poramboke, the classification had been forgedly altered and the name of Ramasamy Konar, the erstwhile owner, had been falsely inserted in the relevant column.

3.4. He submitted that there has been a calculated attempt and fraud played to lay a claim over Government Poramboke land by relying upon fabricated records and thereby committed fraud upon the Court. He further submitted that only after the original records were summoned by this Court, with great difficulty, the entire contemporary records were traced and the original records relating to Survey No.183/1 had now been placed before this Court.



W.A.No.1638 of 2026

4.1. Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing for the fifth respondent/Highways Authority, supporting the submissions of the State, contended that the claim of the writ petitioners based on the alleged will could not be maintained and that the writ petitioners are required to establish its genuineness and their legal right under the will in the manner known to law.

4.2. Learned Additional Solicitor General further submitted that there is no dispute regarding the acquisition of the subject lands. A notification under Section 4(1) of the Act was issued, followed by a declaration under Section 6 of the Act. Furthermore, an award was passed, and possession was taken and handed over to the Highways Department. Subsequently, the acquired land was utilized for the formation of the road.

4.3. According to learned Additional Solicitor General, merely because a portion of the acquired land remained unused for a period, it would not invalidate the acquisition or entitle the petitioners to seek the release of the property. He further submitted that the remaining portion is now being utilised for the expansion of the highway. He further contended that the learned Single Judge ought not to have

Page 10 of 38



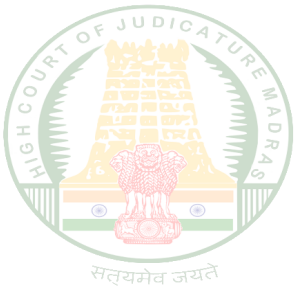
W.A.No.1638 of 2026

directed the release of the subject property, particularly when there was no provision under the 2013 Act providing for such release in the circumstances of the present case.

5.1. Per contra, learned Senior Counsel appearing for the respondents 1 to 4/writ petitioners submitted that when Ramasamy Konar had executed the will in favour of the deceased first petitioner, Nagaraj, upon the death of Ramasamy Konar, the first petitioner got the property and subsequently, after the death of the first petitioner, petitioners 2 to 5, succeeded to the property under the will as the legal heirs of Nagaraj and were, therefore, entitled to maintain the claim made in the writ petition.

5.2. Learned Senior Counsel further submitted that although an extent of 4.06 acres had been acquired, possession was taken only in respect of a portion measuring approximately 0.71 cents. According to him, the remaining extent continued to remain in the possession of Ramasamy Konar and neither possession had been taken nor compensation was paid in respect of that remaining land. Therefore, by virtue of Section 24(2) of the New Act, the acquisition proceedings initiated under the Act had lapsed.

Page 11 of 38



W.A.No.1638 of 2026

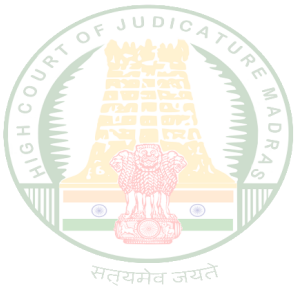
WEB COPY

5.3. Learned Senior Counsel also submitted that, despite ample opportunities having been granted to the authorities, the original acquisition records were not produced before the learned Single Judge. Consequently, the learned Single Judge had no option except to consider the records available and by relying upon the decision of the Hon'ble Supreme Court in ***Indore Development Authority v. Manoharlal and Others [2020 (8) SCC 129]***, rightly held that the petitioners were entitled to the relief claimed.

5.4. He further submitted that the learned Single Judge had not straightaway directed release of the property. Rather, the authorities had been given an opportunity to determine whether the land was still required for the notified public purpose and, if so, to pay compensation in accordance with the New Act or if the land was no longer required, to release the same. According to learned Senior Counsel, such a direction was fully justified and did not warrant interference in the intra-Court appeal.

6. We have carefully considered the submissions made by both sides and have perused the materials available on record.

Page 12 of 38



W.A.No.1638 of 2026

WEB COPY

7. The instant case reveals how the provisions of beneficial legislation, intended to secure the rights of genuine landowners are sought to be misused to usurp State resources. Novel ideas are being invented to raise claims under the provisions of the New Act, while simultaneously attempting to circumvent judicial decisions that operate as a bar against such claims.

8. The State intended to acquire the lands for the purpose of formation of a bypass/outer ring road on NH-47 from Nilambur to Madukkarai in Pattanam Village, Coimbatore District. A notification under Section 4(1) of the Act was issued, followed by a declaration under Section 6 of the Act.

9. Under the acquisition proceedings, an extent of 21.22 acres was acquired for formation of the bypass road on NH-47. An extent of 3.56 acres belonging to Ramasamy Konar and 50 cents belonging to his brother Kalimuthu, together measuring 4.06 acres in survey No. 183/1, formed part of the lands covered by the Section 4(1) notification and Section 6 declaration. After completion of the award enquiry, an award came to be passed in Award No.2 of 1978 dated

Page 13 of 38



W.A.No.1638 of 2026

20.01.1978. A sum of Rs.5,117.50 was determined as compensation for the extent of 3.56 acres belonging to Ramasamy Konar. A sum of Rs.718.75 was determined as compensation payable to his brother, Kalimuthu Konar, in respect of the remaining extent of 0.50 cents in Survey No.183/1.

10. Out of the acquired lands, the fifth respondent/NHAI has admittedly formed the outer ring road on NH-47 by utilising an extent of 0.73 acres. The remaining extent of 3.33 acres, which was kept vacant, is now proposed to be utilised for expansion of the highway. At the outset, we propose to consider the *locus* of the petitioners and the maintainability of the writ petition. It is to be noted that when the land acquisition proceedings were initiated in the year 1974, a notification under Section 4(1) and a declaration under Section 6 of the Act were issued and an award was passed. The entire acquisition proceedings stood concluded in the year 1978, pursuant to which, the road was also formed.

11. The original owner, Ramasamy Konar, who lived until 2019, had never made any claim or protest in respect of the compensation, nor had he challenged the acquisition proceedings at any point in time.

Page 14 of 38

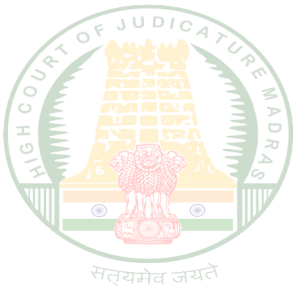


W.A.No.1638 of 2026

Even after the New Act came into force in the year 2013, Ramasamy Konar, who lived for six years thereafter, did not choose to raise any claim seeking the lapse of the acquisition under Section 24(2) of the New Act. It is well settled that even a subsequent purchaser of the acquired land cannot seek a declaration of lapse under Section 24(2) of the New Act, as held by the Hon'ble Supreme Court in *Indore Development Authority's case supra*. As such, even a *bona fide* subsequent purchaser, cannot maintain a writ petition seeking such a declaration.

12. Such being the legal position, the first petitioner, who has since died, appears to have adopted a novel method, as referred to earlier, to circumvent these hurdles and resorted to make a claim without even spending a single pie. The deceased first respondent/first petitioner filed the writ petition claiming that Ramasamy Konar had executed a will dated 15.11.2018, whereby he had allegedly bequeathed an extent of 3.36 acres of the subject property in his favour. After the death of Ramasamy Konar on 29.08.2019, the first petitioner instituted the writ petition in the year 2020, seeking a declaration that the acquisition proceedings had lapsed under Section 24(2) of the New Act, relying upon the alleged will.

Page 15 of 38



W.A.No.1638 of 2026

WEB COPY

13. Curiously, since Ramasamy Konar and his brother, Kalimuthu Konar, were the owners of the land comprised in survey No.183/1, measuring a total extent of 4.06 acres, the petitioners claimed that a notice for award enquiry was issued to Late Ramasamy Konar on 22.03.1976, fixing the enquiry on 24.04.1976. Further, according to the petitioners, in view of the urgency and at the request of the Acquisition Officer, Late Ramasamy Konar consented to the taking over of 0.21 cents out of his 3.56 acres, while his brother, Kalimuthu Konar, consented to the taking over of his entire extent of 0.50 cents. Thus, according to the petitioners, an extent of 0.71 cents was taken over with consent and put to use for formation of the road, thereby Ramasamy Konar continued to remain in possession of the remaining extent of 3.36 acres, in respect of which neither compensation was paid nor possession was taken.

14. Admittedly, the deceased first petitioner is not the legal heir of Late Ramasamy Konar. It is claimed that Late Ramasamy Konar had no issues and that since his wife, Chellammal had deserted him, he had adopted the first petitioner. Therefore, the Late Ramasamy Konar had bequeathed the property in favour of the first petitioner, on the

Page 16 of 38



W.A.No.1638 of 2026

ground that the petitioner had taken care of him who was otherwise a stranger.

WEB COPY

15. A will has to be executed in accordance with Section 63 of the Indian Succession Act, 1925 and has to be proved in accordance with Section 68 of the Indian Evidence Act, 1872. For easy reference, the same are extracted below:

Section 63 of the Indian Succession Act :

"63. Execution of unprivileged wills

Every testator, not being a soldier employed in an expedition or engaged in actual warfare, [or an airman so employed or engaged,] or a mariner at sea, shall execute his will according to the following rules:-

(a) The testator shall sign or shall affix his mark to the will, or it shall be signed by some other person in his presence and by his direction.

(b) The signature or mark of the testator, or the signature of the person signing for him, shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will.

(c) The will shall be attested by two or more witnesses, each of whom has seen the testator sign or affix his mark to the will or has seen some other person sign the will, in the presence and by the direction of the testator, or has received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person; and each of the witnesses shall sign the will in the presence of the testator, but it shall not



W.A.No.1638 of 2026

be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.

WEB COPY

Section 68 of the Indian Evidence Act :

"68. Proof of execution of document required by law to be attested

If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence:

Provided that it shall not be necessary to call an attesting witness in proof of the execution of any document, not being a will, which has been registered in accordance with the provisions of the Indian Registration Act, 1908 (16 of 1908), unless its execution by the person by whom it purports to have been executed is specifically denied."

16. The will has to be executed and proved in the manner known to law before a competent Court. It is trite law that the *onus* is on the propounder of the will to prove the will, dispelling all the suspicious circumstances. In the present case, the first petitioner approached the writ Court making a claim based on the alleged will which is disputed. Unless and until the will is proved in the manner known to law, the first petitioner cannot claim any right over the subject property based

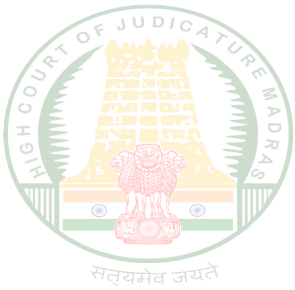


W.A.No.1638 of 2026

on the will. Consequently, the petitioners lack *locus standi* to maintain the writ petition seeking declaration that the acquisition proceedings had lapsed under Section 24(2) of the New Act.

17. When the lands had admittedly been acquired from the original owner, Late Ramasamy Konar, it was for the petitioners to first establish their right and title to the property flowing from Late Ramasamy Konar and only thereafter, seek to assert any right under the New Act. In the absence of such proof, the very writ petition filed by the petitioners was not maintainable. The writ Court, therefore, ought not to have entertained the claim and adjudicated upon the merits of the writ petition.

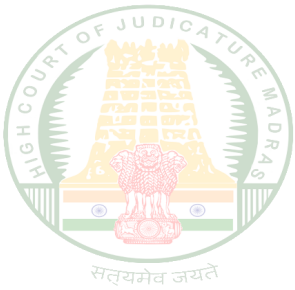
18. Be that as it may, the issue relating to the alleged lapse of the acquisition proceedings under Section 24(2) of the New Act has already been settled by the Constitution Bench of the Hon'ble Supreme Court in ***Indore Development Authority's*** case *supra*, wherein it was held that even if one of the conditions *viz.*, either deposit of compensation or taking over possession is satisfied, then, there would be no lapse under Section 24(2) of the New Act.



W.A.No.1638 of 2026

19. In the present case, an extent of 3.56 acres belonging to Late Ramasamy Konar and an extent of 0.50 acres belonging to his brother, Kalimuthu Konar, totalling 4.06 acres in survey No.183/1, was acquired. It is admitted that the acquired land was put to use by the formation of an outer ring road on NH-47 over a portion of the property. It is therefore evident that the possession of the acquired property had been taken from the original landowners, pursuant to which the possession was handed over to the fifth respondent/NHAI and the road was formed.

20. There is no gainsaying that simply because only 0.71 cents was used for the formation of the bypass on NH-47 and merely because the balance extent of 3.36 acres is kept vacant by the NHAI, it means that possession is yet to be taken. When possession has been taken and the acquired property has been put to use by the formation of a road on a part of the property, the acquisition cannot be said to have lapsed under Section 24(2) of the New Act, as at least one of the conditions required under the provision stands satisfied, in terms of the law laid down in **Indore Development Authority's** case *supra*.



W.A.No.1638 of 2026

21. Therefore, the claim of the petitioners that the land acquisition proceedings had lapsed under Section 24(2) of the New Act is baseless and unsustainable. The order of the learned Single Judge runs contrary to the settled proposition of law laid down by the Constitution Bench of the Hon'ble Supreme Court in **Indore Development Authority's** case *supra*. It is also to be noted that there was a provision for the reconveyance of acquired lands under Section 48-B of the old Act. However, with the enactment of the New Act, the old Act stood repealed. Under the New Act, the consequences relating to acquisitions under the old Act are specifically dealt with under Section 24(2) of the New Act.

22. In terms of the law laid down in **Indore Development Authority's** case *supra*, an acquisition under the Act does not lapse merely because one of the two conditions relating to possession or compensation is not fulfilled. The statutory consequences have to be determined strictly in accordance with Section 24(2) of the New Act. In such circumstances, the learned Single Judge, by the impugned order, directed the State to consider whether the subject property was required for the notified public purpose and if required, the State has

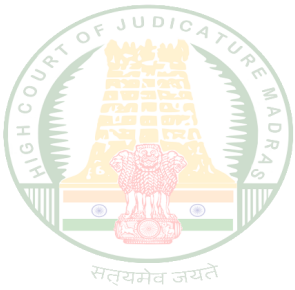


W.A.No.1638 of 2026

to pay compensation in terms of the New Act and if not, to release the subject property.

23. In our considered opinion, such a direction cannot be sustained as the question of payment of compensation under the New Act or the lapse of acquisition are governed strictly by the provisions of the New Act. There is no discretion vested with the authorities either to pay compensation under the New Act or decide to release the acquired property merely on the ground that a portion of the property had not still been utilised.

24. The writ petition was filed by placing reliance on the will and the UDR A-Register of the village to show that the entry in the register in respect of the property in survey No.183/1 continued to stand in the name of Ramasamy Konar. A perusal of the A-Register produced by the petitioners shows that, in Column 12, the name of Ramasamy Konar is mentioned. However, the appellants have produced the entire original district records and all other contemporary records relating to the acquisition proceedings.

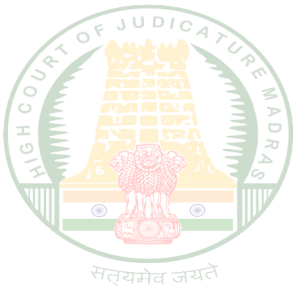


W.A.No.1638 of 2026

25. A perusal of the original UDR A-Register reveals that Columns 2, 3 and 4 refer to Survey No.183/1 and classification of the land as 'Government Poramboke'. Column 9 refers to the extent as 1.64.5 hectares, while Column 12 refers to the 'National Highways'. Whereas, in the UDR A-Register filed by the petitioners, while the entries in Columns 2 to 9 remain the same, the entries in Columns 10 and 11 alone appear to have been altered/substituted by inserting the name of Ramasamy Konar in place of National Highway.

26. Further, the Form-AA statement dated 20.01.1978, submitted by the Special Tahsildar (LA), National Highways, to the District Revenue Officer, Coimbatore, contains Appendix-C, setting out the details of acceptance of the compensation by the persons interested. In the award statement relating to Award No.2 of 1978 dated 20.01.1978, in respect of survey No.183/1, a sum of Rs.5117.50 is reflected as the amount accepted by Ramasamy Konar without protest. A sum of Rs.718.75 is similarly reflected as having been accepted by Kalimuthu Konar without protest. In respect of certain other survey numbers, the persons concerned had received compensation under protest.

Page 23 of 38



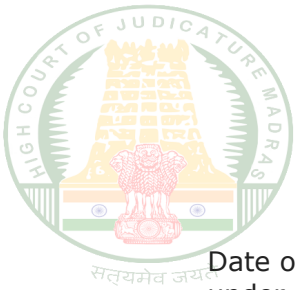
W.A.No.1638 of 2026

27. The compensation payable to Ramasamy Konar was paid through cheque bearing No.942001 dated 27.01.1978 for a sum of Rs.5117.50 towards acquisition of an extent of 3.56 acres in Survey No.183/1. After the acquisition, a Field Measurement Sketch was prepared in the year 1978 by effecting subdivisions on the basis of the award passed. Upon completion of the entire acquisition proceedings, the Special Tahsildar, Land Acquisition, submitted a Check Memorandum to the District Collector. The Check Memorandum dated 30.06.1978 submitted by the Special Tahsildar, Land Acquisition, is reproduced as under:

LAND ACQUISITION CHECK MEMORANDUM

Number and name of the Village and name of the taluk. ()	93. Pattenam village, Palladam Taluk
Whether the village is ryothari, inam or Zamindari. ()	Ryotwari.
Whether the village is surveyed or not : ()	Surveyed
Date of application for the acquisition of the land: ()	12.7.73
The purpose for which land is required: ()	For the formation of Coimbatore bypass Road on NH 47
Date of publication of the notification under section 4 of the Land Acquisition Act: ()	13.11.74.
Date of publication of the notification under section 5 or 17(b) (ii) of the survey and boundaries Act: ()	Does not arise
Note: ()	
The above question applies only to non-government villages. ()	

Page 24 of 38



W.A.No.1638 of 2026

WEB COPY

Date of publication of the notification
under clause 1 to section 4 of the
Survey and Boundaries Act:

()
()
()

—

Date of publication of the notification
u/s 6 of the S & B Act. Is the village officers
certificate of publication in the file:

()
()
()

Yes

Date of preparation of the plotted sketch
by the Surveyor.

()
()

30-1-74, 7-2-74,
10-2-74, 9-2-74,
28-2-74, 19-2-74,
11-2-74 and 18-2-74

Does the plotted sketch or demarcation
sketch in the case of acquisition for large
projects bear the Surveyor's certificate
of demarcation? What is the date of it?

()
()
()
()

Yes. Do.

Date of counter-signature by the Divisional
Head Surveyor Special Land Acquisition
Officer of the sketch in token of Technical
Scrutiny.

()
()
()
()

10-4-74

Note:

Even sketches of entire old fields or
registered sub-divisions require technical
scrutiny. They should also bear the certificate
of demarcation referred to in question 11:

()
()
()
()

13. Date of publication of the declaration u/s. 6 of
the Land Acquisition Act and the area notified for
acquisition (a) ryotwari (b) inam (c) other lands
with description.

()
()
()
()

17-3-76

14. Date of publication of the notice mentioned
in sec.9(1) of the L.A. Act. Is the village officers
certificate of publication in the file? Date of service
of the notices u/s. 9(3) of the LA Act.

()
()
()
()

22-3-76 / 23-3-76

Are the acknowledgements in respect of them in
the file?

()
()

Yes

15. Is the certificate required under sec.9(1) or
10(1) of the S. and B. Act available in file?

()
()

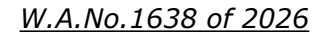
Yes

16. Date of service of the notices under section 9(2)
or 10(2) of the S and B Act. Are the
acknowledgements
in respect of them in the file?

()
()
()
()

21.1.78

Page 25 of 38



-
- Page 26 of 38



W.A.No.1638 of 2026

35. Date of (a) the insertion of the new field maps or the plotting of the new sub-divisions in the Taluk copy of field measurement book (or the record of measurement and revenue map in a surveyed 'town) and (b) entry in permanent A register.

26-6-78 and 27-6-78

36. Date of the publication of the notification u/s. 13 of the S. and B. Act in the District Gazette and in the village.

27-5-78

37. Date on which the land acquisition file was closed and its disposal number.

30-6-78
R.Dis. 840/78

38. Date on which copy of the check-memorandum was submitted to the Collector.

30-6-78

Sd/-
Special Tahsildar (L.A.),
National Highways,
Coimbatore.

Have reference to court been made where necessary and the amounts required such reference deposited in Court and acknowledged by it?

- - -

Has the compensation been paid by the LAO himself fully? If not, what action has been taken in respect of the balance.

Yes

26. Date of handing over possession of the land to the department requiring it.

21.1.78

27. Date of submission of proposals to the Collector for the grant of beriz deduction or for the reduction of quit-rent or peshkash and the date of receipt of Collectors orders thereon.

Does not arise

28. Date of despatch of form No.13. printed in Appendix XII to B.S.O. No.90 to the Registration Department by or through the Revenue Divisional Officer and date of Acknowledgment.

21.01.78

29. When the LAO is not himself Revenue Divisional Officer the date of despatch to the Rev. Divisional officer of the Duplicate copies of the revised field maps, the sub-division statements and the statements of the changes due to land Acquisition and the demarcation sketch.

Does not arise

Page 27 of 38



W.A.No.1638 of 2026

30. Has the acquisition been entered in Taluk Registration No.7? What is the number of the item in the Register?

()
() Yes
()

Note:

This does not apply to cases of acquisition in which no change in the classification of the Land Acquired is involved.

()
() - - -
()

31. If the acquisition involved new field or sub-division, has the case been entered in Taluk 3-A register? If so what is the number of the item in the Register?

()
() Yes
() 8A/45/87-dt:6-2-78
()

L.A. No. and date of receipt of requisition.

() L.A. No. 4/75. Dt: 12.7.73

Name of Taluk, Village, S. Nos. and extent.

() Palladam Tk, Pattanam Vga.
S. No. 91/1Acre. , -21-22

Purpose for which I.A. is made (a) Date of initial submission of D.N. and D.D. to Collector.

() For the formation of
() Cbe-Byepass Road on NH-47.
DN.: 10-6-74. DD.: 30-6-75

Date of submission of B.V. statement to Collector () 30-6-75

Date of submission of D.N. and D.D. to Board or Govt. by Collector.

() DN: 26-6-64, DD: 22-8-75
()

Collector's No. and date

() DN.Ref.72360/74-F8/26-6-74
DD.R.Dis.72360/74-F8 dt:22-8-75

Date of approval of DN by government.

() G.O.Rt.No.2491-PWD-dt:1-9-74

Date of publication of DN in Tamilnadu Govt.gazette

() 13.11.74
()

Date of 5-A enquiry in case of acquisition under ordinary clause.

() 6.1.75
()

Date of approval of DD by government.

() G.O.Rt.502-PWD-dt:21.2.76

Date of publication of Draft Declaration in the Fort-Saint George Gazette.-

() 17-3-76
()

Date of issue/publication of 9(1) notice.

() 22-3-76

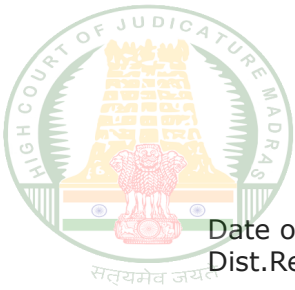
Date of issue and last date of service of 9(2) notice.

() 21.1.78/21.1.78
()

Date of issue service of 9(3) and 10(3) notice.

() 22-3-76/22-3-76

Page 28 of 38



W.A.No.1638 of 2026

Date of approval of B.V.statement by Dist.Rev.Officer.	()	22-8-75/16.1.78
Date of award enquiry.	()	24.4.76
Delay in conducting award enquiry (counting from the date of publication of DD).	()	- - -
Date of passing award.	()	20-1-78
Delay in passing the award No. of days from the date of completion of award enquiry.	()	1 year 8 months
Date of issue of 12(2) notice.	()	17.1.78
Date of service of 12(2) notice.	()	19.1.78
21.Date of issue of (c) form cheque.	()	20.1.78
22.Date of last encashment of (c) form cheque.	()	- - -
23.Date on which reference under section 18, 30 or 31 if any made to Court.	()	- - -
24. Date of submission of 'AA' Statement.	()	20-1-78
25. Delay of submission of 'AA' statement (from the last date of encashment of 'C' form cheques)	() ()	- - -
26. Date of submission of return No. 13 to Registration Department.	()	20-1-78
27. Date of taking possession.	()	20-1-78
28. Date of handing over possession.	()	21-1-78
29. Date of incorporation of changes in Village Accounts.	()	3-6-78
30. Date of incorporation of changes in Taluk Accounts.	()	26-6-78 and 27-6-78
31. Due date of submission of section 13 Notification.	()	21.4.78
32. Date of submission of section 13	()	25-4-78

Page 29 of 38



W.A.No.1638 of 2026

Notification.

()

33. Delay in the submission of section 13 notification (from the date due to the date submission).

()

4 days

()

34. Date of publication of section 13 Notification in the Dist.Gazette.

()

27-5-78

()

35. Date of submission of check-memo.

()

30-6-78

36. Delay in the submission of check-memo.

()

- - -

37. Time taken to complete the post award action (counting from the date of award.)

()

5 months and 10 days

()

38. General Remarks.

()

- - -

Sd/-
Special Tahsildar (L.A.),
NH, Coimbatore.

28. A sketch showing the entire extent of 21.22 acres acquired for the formation of the bypass/outer ring road on NH-47 has also been produced before this Court. The sketch also shows that the highway passes through the acquired lands comprised in all the relevant survey numbers, including survey No.183/1. It is therefore evident that the acquired lands were put to use for the formation of the road. The remaining extent was kept vacant and is now sought to be utilised for the expansion of the highway.

29. From a perusal of the records placed before us and upon considering the claim made by the petitioners, we are able to see a

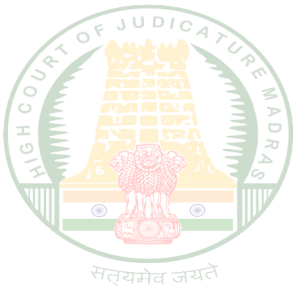
Page 30 of 38



W.A.No.1638 of 2026

pattern in which the first petitioner, who has since died, resorted to make a stale claim upon finding that a portion of the acquired land remained vacant. For this purpose, reliance was placed upon the will said to have been executed by the deceased Ramasamy Konar. The acquisition proceedings that commenced in the year 1974 were concluded in the year 1978 and the compensation was paid and the lands were put to use for the formation of the highway. The revenue records were thereafter updated in the name of the National Highways Authority in respect of Survey No.183/1.

30. However, an attempt was made to rely on a register containing the name of the deceased Ramasamy Konar in Column 12, while the entries relating to the Government Poramboke and other relevant classifications remained intact. It is also to be noted that, during the proceedings before the writ Court, attempts appear to have been made to ensure that the original records were not properly produced before the Court, which would have benefited only the petitioners. In fact, the learned Single Judge, in paragraph 6.4 of the order, referred to the following:

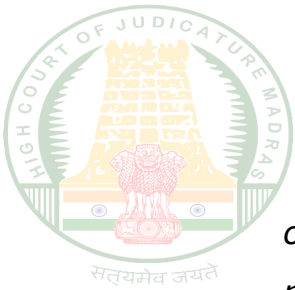


WEB COPY

"6.4. It is relevant to note that 2nd respondent has filed two undated Status Report. In one of the Status Report it is stated that file was in fact available and brought to the Government Pleaders office for the purpose of the present writ petition and has then gone missing. This, to put it mildly, I find startling. The relevant portion of the Status Report reads as under:

"6. The Additional Government Pleader after going through the Land Acquisition files, asked his Office Assistant Mr. Perumal to receive the files and keep them at records on 22.03.2021 and hence it was handed over, but the acknowledgement for its receipt was refused to be given. After the Tamil Nadu Assembly Election, the Additional Government Pleader was transferred and when enquired the successor, it was told that the files could be taken when the next date of hearing was listed. In the mean time, the above Thiru. Sivabalan met Thiru. Perumal, office assistant, several times and he was told that he is still searching the files.

7. It is further submitted, in view of the several attempts to trace out the Land Acquisition Files, upon instructions by the 2nd respondent and also on the directions issued by the Additional Government Pleader, departmental action has been initiated against Thiru. Sivabalan, who is at present working as the Deputy Tahsildar, (Election) in Perur Taluk, calling for his explanation about the missing Land Acquisition files in this



WEB COPY



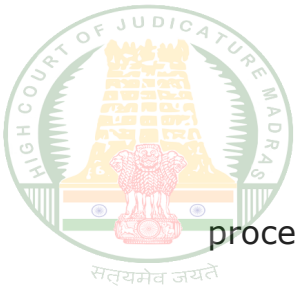
W.A.No.1638 of 2026

office Na.Ka No.3065/2009/A2 Dated, 17.03.2025. Further the respondents are in search to find out the relevant registers and records relating to the deposit of the compensation in respect of the remaining 3.33 acres in S.F.No.183/1, and the Tahsildar, Sulur Taluk has been directed to take steps to get the Court Records according utmost importance.

8. I state that the Divisional Engineer, National Highways, Coimbatore has been addressed on 17.03.2025 to send the files relating to the deposit of the above compensation amount to this office, with reference to the interim order passed in this case by this Hon'ble Court on 24.07.2024, communicating the direction issued on the Writ Miscellaneous Petition No. 8099/2020. The Divisional Engineer, National Highways, Coimbatore has already in his letter dated 12.03.2025, stated that the widening of By pass road on National Highways 47 from K.M 141/0 to K.M 171/200 from the existing 2 lanes to 6 lanes under Debenture Redemption Reserve works is pending for completion and the widening work is soon to be taken up and that the land acquired cannot be parted with as claimed by the petitioner."

31. The second appellant/District Collector, has now filed a detailed affidavit before this Court stating that, with great difficulty, the contemporary records pertaining to the land acquisition

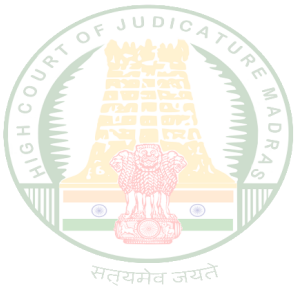
Page 33 of 38



W.A.No.1638 of 2026

proceedings were traced, compared and placed along with the original district file. From this file, it is evident that the entire proceedings under the Act were completed and the land acquisition proceedings stood concluded in the year 1978. Compensation was paid and the lands comprised in the relevant survey numbers, forming part of the total extent of 21.22 acres, were taken possession of and put to use. It is further stated that survey proceedings were undertaken under the provisions of the Tamil Nadu Survey and Boundaries Act, 1923, and the revenue records were duly updated by incorporating the entire acquired extent as Government land in the permanent A-Register.

32. As referred to earlier, Ramasamy Konar neither disputed the acquisition proceedings, nor made any claim in respect of the acquired property for approximately 40 years and remained silent until his death in 2019. The first petitioner, however, came forward with a claim based on an alleged will said to have been executed in 2018 and instituted the writ petition in 2020. Further, this claim was sought to be supported by records which, when compared with the original files produced before this Court, appear to have been fabricated or manipulated.



W.A.No.1638 of 2026

33. At this juncture, it is apposite to refer to a decision in

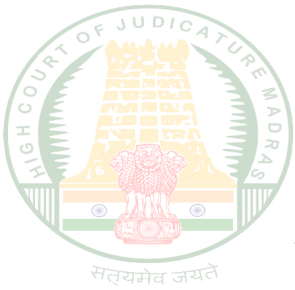
V. Chandrasekaran v. Administrative Officer [(2012) 12 SCC

133], where the Supreme Court took serious note of an affidavit filed before the High Court containing false information intended to mislead the Court, despite the land having vested with the State free from all encumbrances and being incapable of diverting for private purposes. The Hon'ble Court also lamented upon the connivance of officials involved in the scandal and by taking a serious view of the attempt to usurp public property, imposed costs of Rs.25 lakhs and had directed the Chief Secretary of Tamil Nadu to conduct an enquiry and proceed against the persons responsible for the loot of public property in accordance with law. The relevant observations from the said judgment are extracted below:

"53.11. The appellants filed an affidavit before the High Court only to mislead the court by furnishing false information.

53.12. The appellants also managed to obtain certain orders from the Department and further have abused the process of the court.

53.13. The appellants neither approached the statutory authority nor the court with clean hands.



W.A.No.1638 of 2026

WEB COPY

... ..
53.19. The land once vested in the State, free from all encumbrances cannot be divested.

... ..
55. In addition thereto, the Chief Secretary of Tamil Nadu is requested to examine the issues involved in the case and find out as to who were the officials of the State or the Board responsible for this loot of the public properties and proceed against them in accordance with law. He is further directed to ensure eviction of the appellants from the public land forthwith."

34. From the above, it is evident and clear that the writ petitioners, with the connivance of certain persons in the department, have resorted to make a stale claim as beneficiaries under the alleged will of the deceased Ramasamy Konar by screening the entire documents available in respect of the acquisition proceedings. As a detailed investigation is required in this regard, we direct the second appellant viz., the District Collector, to conduct a thorough enquiry in respect of the disappearance of the relevant records during the hearing before the learned Single Judge as well as the altered A-Registers filed before this Court by the petitioners. Based on the

Page 36 of 38



W.A.No.1638 of 2026

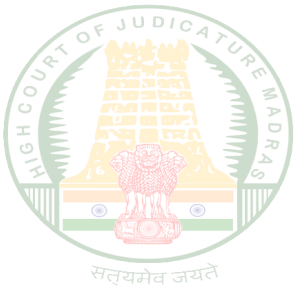
findings, the District Collector shall lodge a complaint against those involved in fabrication and manipulation of records, before the law enforcement agency, for appropriate action.

35. In view of the above deliberations, when the outer ring road itself has been formed after taking possession of the acquired land and put to use, the order passed by the learned Single Judge cannot be sustained, in view of the settled proposition of law laid down by the Constitution Bench of the Hon'ble Supreme Court in *Indore Development Authority* case *supra* and therefore, needs to be interfered with.

36. Accordingly, the order dated 27.10.2025 passed by the learned Single Judge in W.P.No.6802 of 2020 is set aside and the intra-Court appeal stands allowed with the aforesaid directions. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
03.09.2026

Index : Yes/No
Neutral Citation : Yes/No
gya



WEB COPY



W.A.No.1638 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

gya

To

1.The District Collector
Coimbatore District, Coimbatore 18

2.The Project Director
NHAI Coimbatore PIU,
15-A, Kongu Nagar East,
Trichy Road, Ramanathapuram,
Kongu Nagar, Kallimadai,
Coimbatore, Tamil Nadu 641 045

W.A.No.1638 of 2026

03.09.2026

Page 38 of 38