

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) . OF 2025
(ARISING OUT OF SLP (CIVIL) NO(S) . 13430-13431 OF 2025)

P. LINGAN

APPELLANT (S)

VERSUS

THE CHAIRMAN, TAMIL NADU
HOUSING BOARD & ORS.

RESPONDENT (S)

O R D E R

1. Leave granted.

2. The appellant is aggrieved by the judgments dated 26.07.2023 and 12.11.2024 passed by the Division Bench of the Madras High Court, whereby the appellant's writ appeal and review application have been dismissed. Through the appeal and the review application, he prayed for the acquisition *qua* land, measuring 14 cents in Survey No. 233/5 in Village Tambaram, District Chennai, to be deemed as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the "2013 Act").

3. The subject land was notified for acquisition on 15.05.1978 *vide* a notification issued under Section 4 of the Land Acquisition Act, 1894. Thereafter, a declaration under Section 6 was issued on 06.06.1981. Consequently, the Award was passed on 14.08.1986.

4. The appellant claims to have purchased the subject land from the previous owners by way of two registered sale deeds executed in 2003 and 2004, respectively. Thereafter, the appellant challenged the aforesaid acquisition by way of a writ petition before the High

Court, which was initially allowed. However, the judgment of the learned Single Judge was set aside by the Division Bench, whose judgement has since attained finality.

5. On the coming into effect of the 2013 Act, the appellant approached the High Court again. He filed Writ Petition No. 30365/2015 seeking a declaration that the acquisition had lapsed in view of Section 24(2) of the 2013 Act. The writ petition was dismissed by a learned Single Judge on 28.10.2015, primarily on the ground that the appellant, being a subsequent purchaser, had no *locus standi* to seek the above-mentioned relief. The appellant then tried his luck in an intra-court appeal, which came to be dismissed by a Division Bench of the High Court, vide the impugned judgment dated 26.07.2023. These proceedings were followed by the filing of a review application on behalf of the appellant, which was also dismissed vide the impugned order dated 12.11.2024.

6. What has happened, unfortunately, is that the sale deeds in favour of the appellant, were registered by the prescribed authority, though the land already stood vested in the State, free from all encumbrances, upon completion of the acquisition process. Furthermore, the Chennai Metropolitan Development Authority sanctioned the building plans presented by the appellant. Since the necessary permissions had been granted by the prescribed authorities, the appellant constructed the super-structure and deposited all the statutory levies. It was in this backdrop that this Court, while issuing notice on 05.05.2025, passed the following order:

"1. Learned Senior Counsel for the petitioner, at the

outset, submits that keeping in view the fact that the petitioner has constructed a house consisting of stilt and two floors after getting the building plan approved from CMDA Authorities, it will be too harsh to dispossess him from the subject property. He, accordingly, submits that the petitioner is ready and willing to pay the market price of the floor at a reasonable rate, which may be determined with the intervention of this Court.

2. Delay condoned.

3. Issue notice, returnable on 28.07.2025.

4. Ms. G. Indira, learned counsel, who appears on caveat on behalf of respondent Nos.1 to 3 accepts and waives service of formal notice upon the said respondents. She may have further instructions in terms of the order passed above.

5. The parties are directed to maintain status quo re: possession, further construction, and creation of third party rights till further orders."

7. The respondents have thereafter filed a counter affidavit, opposing the appellant's claim on merits.

8. As has been indicated in the above-reproduced order, the scope of the present proceedings has been restricted to only consider whether the appellant, who otherwise has no right, title, or claim whatsoever over the subject land, as the same already stands acquired and vested in the State, can be granted ownership rights *qua* the subject land on payment of fair and just market value.

9. In response thereto, learned State counsel has handed over a "report dated 16.08.2025 on market value of the land," which is based upon an inspection of the site conducted on the same date.

10. We have heard learned senior counsel/counsel for the parties and have minutely perused the report submitted by the State counsel.

11. It is true that by applying various factors, including: (i) the location of the property; (ii) prevailing land rates; (iii) present condition of the property; (iv) potential for marketability; and, (v) the availability of the civic amenities, the authorities have assessed the market value of the land to be Rs.6,09,84,000/-. However, some of these factors cannot be credited to the account of the respondent-authorities. The present condition of the property, namely, the multi-storey structure, has been raised by the appellant as a result of which the potentiality for marketability has been enhanced. The location of the property is also not a factor which can advance the claim of the respondents.

12. However, we further found from the report that the value of the land, if assessed as per the guidelines of the Sub-Registrar's office, amounts to Rs.3,35,41,000/-.

13. In our considered opinion, the value of the land, as assessed on the basis of the guidelines of the Sub-Registrar's office, appears to be fair, just, and equitable. Consequently, we find it a fit case to invoke our powers under Article 142 of the Constitution and hold that the appellant is entitled to ownership rights, free from all encumbrances in respect of the land measuring 14 cents in Survey No. 233/5 in Village Tambaram, District Chennai, upon payment of a total sum of Rs.3,35,41,000/-. The appellant is directed to deposit the aforesaid amount within a period of one year in 12 equal installments. In case the appellant decides to deposit the entire amount within three months, no interest shall be levied. However, if the appellant chooses to pay the aforesaid price within one year in 12 equal installments, he shall also be

liable to pay simple interest @ 9 % per annum.

14. It goes without saying that if the appellant fails to deposit the aforesaid amount, the necessary consequences shall follow.

15. On filing of an undertaking by the appellant that he shall abide by the above-stated order, along with the payment of the first installment, the property will be unsealed and possession will be restored in favour of the appellant.

16. With the above, the appeals stand disposed of.

.....J.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
AUGUST 25, 2025.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) No(s). 13430-13431/2025

[Arising out of impugned judgment and order dated 26-07-2023 in WA No. 657/2016 12-11-2024 in RA No. 178/2023 in WA No. 657/2016 passed by the High Court of Judicature at Madras]

P LINGAN

Petitioner(s)

VERSUS

THE CHAIRMAN, TAMIL NADU HOUSING BOARD & ORS.

Respondent(s)

(IA No. 100333/2025 - CONDONATION OF DELAY IN FILING, IA No. 100330/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 100331/2025 - EXEMPTION FROM FILING O.T. and IA No. 109420/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 25-08-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Mr. P.B. Suresh, Sr. Adv.
Mr. V Ramesh, Adv.
Mr. Vipin Nair, AOR
Mr. Aditya Narendranath, Adv.
Ms. M.b.ramya, Adv.
Mr. Mohd Aman Alam, Adv.
Ms. Deeksha Gupta, Adv.
Ms. V Krithi Sahithya, Adv.

For Respondent(s) : Ms. G. Indira, AOR
Mr. P Gandepan, Adv.
Ms. Amrita Kumari, Adv.
Ms. Anjali Singh, Adv.
Ms. Raniba Pangnila, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeals stand disposed of in terms of the signed order.
3. Pending application(s), if any, shall also stand disposed of.

(NITIN TALREJA)

ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)

ASSISTANT REGISTRAR

(Signed order is placed on the file)