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**IMPACT OF LAND ACQUISITION LAWS ESPECIALLY  
LARR ACT 2013 ON URBAN HOUSING PROJECTS  
AND RIGHT TO HOUSING IN URBAN TAMIL NADU**

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**ABSTRACT**

The right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 is replaced by the Colonial Era Act that was enacted in 1894 in such act the government has power to take the Land without the consent of the Owner and in 2013 Act the Resettlement process and other Compensation will be Determined based on the 2013 its act its people friendly. However due to procedural delay in conducting the SIA (social impact Assessment) process and other Compensation proceedings etc.

This Doctrinal Research focus to identify the gap between the Right to housing and the Major State development and its Economy and other necessary process in Land Acquisition in the State of Tamil Nadu urban Areas. And also the recent Judicial Trends About the Right to Housing in the State of Tamil Nadu urban Areas and how that projects Affected the public and they Right to Housing.

This Doctrinal Analysis and the Qualitative Evaluation of the Judicial Trends and also its refer to the Tamil Nadu Land Acquisition Laws Especially the Amendment Act 2019 the three State Specific Laws which apply to Tamil Nadu and its History and other Necessary process and how people are affected from the State Specific Laws in the urban state of Tamil Nadu and Also its recent judicial process regarding to the state specific laws .and also analysis the Dual track process when it comes to Tamil Nadu Land Acquisition and other necessary process and

peoples rights and other process to Determine the Compensation how it got Affected when it Comes to State Specific laws in the State of Tamil Nadu

This Doctrinal Research Concludes that the Three State specific laws in practical its delay and they Affected person is not Get any Compensation and the 2013 Act in paper they Act is good but when it comes to reality the Affected people Faces Lot of troubles and often get into the Court for Determine the Compensation and other resettlement process in the State of Tamil Nadu Urban Areas. The process in such research the findings that suggest the need and the more streamlined and also needs the SIA process to prevent the delay in urban housing projects.

**Keywords:** LARR 2013, Urban Housing projects, Tamil Nadu Land Acquisition, Right To Shelter, Rehabilitation and Resettlement

## INTRODUCTION

In India over an decade process from 1894 to 2013 India followed a Colonial Era law that was enacted by the british .and the old law that was enacted by the british is based on the Concept of Eminent Domain mens such term that Means The state has the power to take land if it thinks its for public purpose state power is matter more than a Individuals Right.

However the 2013 Act was a changed Everything that the and the RFCTLARR Act, Was enacted in the year 2013 and thus is replaced by the old Act in British Era .Now We moved towards the Away from a system Where the State is superior to now the 2013 Act has a provisions to the concept of right fair Compensation necessary process and demands transparency and proper rehabilitation for those people Whos land is taken for public benefit and displaced them with proper care etc.

## THE FRICITION OF THE LARR ACT 2013.

The 2013 Act is the process and that the for a social justice it will look all the essentials needs such as the compensation and replacement issue but however the law has to process of friction such as the Cost related friction : in this situation an example compensation rules that is required the four times of the land cost that is acquired .the 70% housing projects budgets and it makes almost impossible to keep the final houses for the affordable for the necessary term low income families in the state of Tamil Nadu .

The time Trap: As the act say it will look all SIA and other process it ok but the time it has been taken for this process is to be finished is the term process one of the most related issue if often takes five years or more for this process is to be completed in such situation the delay occurs .After all the process is completed when the time the project is started the inflation has made the project budget useless.in such case it is a procedural drag is a primary reason why many housing projects are getting delay in the State.

And is the foremost friction regarding the Act and delay the project that causes the more time consuming.

### **IN TAMIL NADU CONTEXT:**

In the State of Tamil Nadu the and the mentioned the core problem is in one hand we has the state to has growth Urbanizing faster in the state and the other hand they is a legal deadlock such as the affordable homes . under RFCTLARR Act of 2013 have made the process so expensive and slow the Tamil Nadu Housing Board (TNHB) Process as we see that the direct conflict between the protection of the landowners and also the state has the duty to provide the shelter for the landless persons.in the state

### **THE LEGACY OF STATE SPECIFIC LAWS:**

In India compared to many other states,Tamilnadu has historcially operated under its own set of specialized and acquisition laws. In necessary the the state of Tamilnadu land acquisition Laws Act,2019 which was to sought and protect the three state acts from the procedural process compared to the of the central LARR act 2013<sup>1</sup>

- 1) Tamilnadu Acquisition of land for Harijan welfare scheme act,1978.
- 2) Tamilnadu Acquisition of land for industrial purpose act,1997.
- 3) Tamilnadu Highways act, 2001

### **THE PARADIGM SHIFT 2013 LARR ACT:**

The process of the political turmoil resulting from land acquisition and for minimizing in the industrial projects led to a wide ranging overhaul of the law .The enactment in the right to fair compensation and transprancey of the land acquisition,rehabilitation and resettlement (LARR)

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<sup>1</sup> Stated in Justice S.A Kader, The Law of Land Acquisition and compensation in Tamil Nadu( Madras Law journal publication,2023)

act, 2013 marked as a shift from a power based to a right process of regime on the LARR Act 2013.

### **MANDATORY SOCIAL IMPACT ASSESSMENT (SIA)**

Unlike its predecessor Act that must been the 2013 Act mandates towards an an SIA Study to consult with local Bodies and determine the Whether the proposed Acquisition truly serves a public purpose and if the Social Costs are too justifiable.

### **THE CONSENT CLAUSE**

The act introduced an participatory mechanism towards the requiring the prior consent of 80% of affected families and for private projects and also 70% for public private partnership (PPP) projects. Etc.

### **TAMILNADU SPECIFIC CONSTUTIONAL CHALLENGES: SECTION 105A**

Through the necessary and also process of a state amendment in 2014, Tamilnadu had to implement a special obstacle that was highlighted by the introduction of section 105A. The goal is to exempt certain state laws (such as the Industrial Purposes Act and the Highways Act) from the central LARR provisions, such as and the SIA and Consent clause Validation Act of 2019. Following the term this amendment, the state was first challenged, and the Tamilnadu Land Acquisition Laws (Revivel of operation, Amendement and Validation) Act, 2019 was enacted.

Constitutional Validity: In 2021, the Supreme Court of India that is affirmed the state's legislative authority to enact this for the necessary process retroactive act, enabling the state to circumvent the core safeguard in favour of expedited housing and infrastructure.

According to Article 254(2), which are establishes a secondary track system, urban housing may be expedited without the same procedural safeguards provided by the main LARR Act.

### **DUAL TRACK SYSTEM**

Land acquisition in Tamilnadu and the urban context follows a dual track system rather than a single approach. For example, The Fedral Track: Applying the core LARR Act 2013 procedure to significant public sector projects.

The State Track: Making the term use of state acts that have been revived, like the Highways,

Industrial, and Harijan Welfare Acts, it also includes which were specifically created to reduce the procedural bottlenecks that are commonly present in the urban development process.

## **SOCIO- LEGAL FRICITION: THE REALITY OF URBAN DISPLACEMENT IN TAMILNADU**

In the State process of the Tamil Nadu Due to individuals and also relocating to the urban regions for the employment and the financial freedom, the state of Tamil Nadu is rapidly becoming more urbanised. Cities in Tamil Nadu, such as Chennai, Madurai, Coimbatore, Tiruchrapalli etc, and others, frequently experience increased development and building, as and well as a rapidly and it should must been the purpose the growing land acquisition process. Due to this, there are still significant delays in the compensation and other process resettlement process. As a result, people experience further delays in receiving compensation, and the State of Tamil Nadu's slow process etc also causes delays in projects in urban areas.

In the state of Tamil Nadu, the necessary process of resettlement procedure is frequently more difficult, and those who experience this loss are frequently placed in locations that are more than 30 to 50 kilometres sand it includes it away from their regular residences. As a result, those who suffer for their work may also lose their jobs. Examples of such places in Tamil Nadu are Perumbakkam and Semmancheri, where women workers process of the face numerous challenges and must pay travel expenses to go 30 to 50 km to the city center for their jobs. This is frequently a significant hindrance to their right to housing and, among other things.

In such the process of scenario, the individual of the purpose in that community's informal credit system, neighborhood daycare, and local trust are all disrupted and their social capital is broken. This procedure cannot be replaced by monetary compensation, and people may also suffer financial losses. Managing their family and their children's tuition costs, etc., could be much more difficult for many people who work for their daily wages.

### **THE FAILURE OF THE (SIA) IN (PERUMBAKKAM EXPERIMENT)**

Under Rule 8 of the TN Rules 2017, the SIA (Social Impact Assessment) was carried out using a true human-centric process, but in practice, when it comes to state-specific acts, the SIA process is not the purpose and it includes even carried out most of the time. As a result, the SIA frequently checks whether there are schools and hospitals, but it does not check whether there are schools for students' capacity and hospitals for specific health.they lacks to check the

benefits from the public.

## **JUDICIAL VIEW**

The state has the authority to acquire land for any citizen, and the judiciary serves as a safeguard for those individuals. In many situations, the judiciary believes that the impacted parties must provide a proper acquisition, the SIA and also the term Social Impact Assessment must be carried out correctly, and other necessary the process of resettlement must be carried out in the impacted individuals best interest.

The judiciary frequently notes that When someones land is taken, they not only lose their land and soil but also has their identity, livelihood, and it also has shelter by examining Article 21 and 300A Although the Indian Constitution states that the right to property is a constitutional right rather than a fundamental right, the supreme court and high court frequently rule that it is still a human right, meaning that the impacted person must receive appropriate, fair and reasonable care and safety.

## **THE MADRAS HIGH COURT VIEW**

The process under the madras high court is the that Even though the 44th Amendment eliminated property as a fundamental right, the Madras High Court frequently highlights the human right to live with dignity under Article 21 of the Indian Constitution.

A. Selvaraj v The Government of Tamil Nadu (2025)<sup>2</sup>

The Madras High Court declared that the right to property and under Article 300A of the Indian Constitution is a constitutional right, but that the failure to pay compensation for 30 years violates Article 21 of the Indian Constitution and affects the person's ability to live. On January 3, 2025, the Indian Supreme Court also held that the purpose of the right to property under Article 300A of the Indian Constitution is a constitutional right and that it remains a human right in a welfare state.

S. Siluvairajan v The State of Tamil Nadu (2025)<sup>3</sup>

The Madurai Bench of the Madras High Court ruled that there was no resettlement procedure

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<sup>2</sup> A.Selvaraj v The government of Tamil Nadu (2025) W.P.N.O.11921 of 2024

<sup>3</sup> S.Siluvairajan v The government of Tamil Nadu (2025) W.P.No.5991 of 2019

in place and that the land acquisition proceedings had not been initiated for decades. The state cannot retain land once it is acquired and must provide the necessary prompt compensation and resettlement to the impacted individuals. In this case, the high court has served as a mirror, reflecting the State's procedural shortcomings.

The Madras High Court and the other other Indian courts frequently examine the seven rights outlined in Article 300. Since the courts established the authority of law, they rigorously uphold these seven sub-rights, including

- 1) Right to Notice: The state is required to notify the landowner of the acquisition.
- 2) Right to Be Heard: Landowners' and other and also citizens' objections must be heard by the state.
- 3) Right to a Reasoned Decision: The state is required to the term explain the rationale behind the acquisition.
- 4) Right to Acquire Only for Public Purpose: The state is the only and the permitted to acquire land for public use.
- 5) Right to Rehabilitation: The state must guarantee that all affected individuals receive appropriate relocation and other required procedures.
- 6) Right to Compensation: The state must make sure the that everyone affected by such an acquisition receives compensation in a fair and legal manner.
- 7) Right to an Efficient Process: The state must been the guarantee that the affected person receives compensation and resettlement in a timely manner without any delays.

In the Madras high court often used the precedent that laid down by the supreme court in India in thus one of the landmark rulings of the supreme court is that the Olga Tellis v State of Bombay Municipal Corporation (1985)<sup>4</sup>

In such rulings the Apex court Held that the journalist Olga Tellis filed a petition in supreme court A division bench stated that Facts of the Problem :

In state of Mumbai the people residents the Bombay municipal Corporation forcefully evict them that they illegally occupy the states land and they in slum dwellers and Olga Tellis Argued that the Eviction must be based on the livelihood and also it must look peoples point of view.

The core Legal Dispute Is that the :

Does the Right to Life under Article 21 of the Indian Constitution is will also include the Right

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<sup>4</sup> Olga tellis v State of Bombay Muncipal Corporation (1985) 3 SCC 545

to Livelihood and right to shelter.

The court stated that :

The constitutional bench delivered the Verdict that the has changed the Indian Jurisprudence forever: Life means more than Breathing and Under Article 21 thus Right to Life is not just physical existence of a Human body they should given Equal rights and other necessary right to life with dignity and it also included the Right to livelihood also and means of Living.

Procedural Safeguard : The court also Stated that the this means the person cannot permanently occupied the public land but the state must give A notice and right to be Heard and they should give enough Compensation and other Resettlement process and they should given places that could not affects they life.

While the Olga Tellis is the landmark Rulings that stated the Right to life must Also includes the Right to livelihood and shelter. The Madras High court using this rulings has stated that the state must ensure the Human Manner While enacting the Acquisition process and the Madras high court also Acted as a Correctional Mirror that the A state could not Treat the person mere encroacher must also see with Human identity.

This case in one of the landmark Ruling that Almost every courts follow when its comes to peoples right o live and The same the Madras high court have also used this case to ensure the citizens rights is Protected.

In another case the supreme court has Stated when it comes to individual right and compared to other marginalized society groups the and also the urgent and necessary clause.

Chameli Singh v State of UP (1996) :

In this case the supreme court has Stated the process of the States Eminent Domain and thus the Urgency clause to Acquire the Land for the Benefits for the SC and ST people for providing the houses and also the landowner challenged the Acquisition and other necessity for providing Shelter to the Marginalized groups.

In this case the court Laid down the Constitutional Minimum for Shelter the Madras High court this case act as a checklist such as the According to the Chameli Singh the Home Must include the Adequate Living Space : it should not be a cramped Room but Space to live Safe and

Decent Structure ; it should be protection and from other Elements Clean Surroundings ; Access to light air and also water must be necessary Electricity and Sanitation : It must include the Basic Infrastructure for Health In the view of Madras High Court the court has utilizes this concept that the parameters set by the Chameli Case the Tamil Nadu govt acquire Land for Urban development the court does not merely looks into the compensation the State has the Right towards the process of the the State government must also look into the Constitutional Minimum Shelter must been stated that the state duty is not stop while they creating new slums but also they must been a proper water electricity and other necessary process to a person live with Dignity for every Citizens.

Shelter is a fundamental Human Right and it is also necessity for Every Citizens to Live with Dignity and individual to Grow physically, Mentally, and intellectually etc.

In the Chameli Singh Case it transforms the Right to Shelter from a policy process and legally enforceable this case is Madras High Court often looks for to Check the States Administrative actions.

In Tamil Nadu the State has Three Specific Acts and it has been revival under ther 2019 act and also the acts follow certain compensation and resettlement process and in reality the state specific laws is neither the people get nothing due to urgency clause etc. and the tamilnadu has now to follow the two laws based on which they land is acquired.

## CONCLUSION

The journey of the Land Acquisition process in India from the period of Colonial era act such as in 1894 from the Right Based framework in the 2013 RFLARR Act. In this act they ensure the land process this 2013 act primarily focus on the Compensation and other Resettlement process and also necessary resettlement.

When it comes to Tamil Nadu the state follows the Dual Concept in such case the Tamil Nadu revival Amendment Act 2019 that was passed by the Tamil Nadu State Legislature And the act is Valid in thus Case the The act covers three main Land Acquisition process when it comes to Highways, Industrial Purpose, Harijana Welfare Schemes the state Government must use three State Laws in such Situation the persons land Acquired under such act the SIA and other

necessary process will be skipped of because the sense of Urgency.

However the Compensation and other Resettlement process Will be given based on the 2013 Act. But in reality in State Of Tamil Nadu often bypass this process When the Land Acquired for Highways and others process the state often delay or in sometimes the Compensation is not yet Given By the Government.

On the other Hand the Peoples Land is Acquired for other purpose will be followed the Central Act 2013 and the Compensation and other Necessary process is given to the people who's Land is Acquired in the 2013 Act.

When it states that the citizens level of protection will be based on the Which the Government Department is Taking the Land, Which Potentially Violates the Right to Equality under Article 14 of the Indian Constitution.

Right to housing will also fall under Article 21 and also in such case the supreme court and the Madras High Court has in Various cases they look into Such Case and also the when it Compared to Land Acquisition when its for the states development the supreme court and high Court has clearly tells the compensation and other Resettlement Process must be given in standered Manner Hence the process of in reality the people often need a court to resolve they Disputes when it Determine the compensation and other Necessary Resettlement process under Article 21 of Indian Constitution.

In the State of Tamil Nadu the law LARR 2013 act and the three specific State laws which Applies to Acquiring HighWays in the State and for Industrial purpose and Harijan Welfare Schemes in thus Case the process of the framework is Theroetically positive and Administratively regressive.

#### **SUGGESTIONS:**

- 1) Uniformity of law and penaltys : in such case the LARR act 2013 was enacted in there are provisions regarding the Compensation And other Resettlement process.its a good law on paper when it comes to determining the procedural and other Compensation they it fells the Delay and often the persons got Affected in Such Case the term in 2013 Act they must make an Amendment in case the

authorities has failed to determine the compensation and other Resettlement process that authority may face penalties such as fine or even suspension from his periods etc.the 2013 Larr act must make an amendement such this to make necessary actions when it is in Delay in making such process etc.

- 2) In the State of Tamil Nadu the three state specific Laws where acted as when it comes to high ways Industrial Purpose and Harijana Welfare schemes the laws in such case due to various determine compensation when it compared to 2013 Act the State Specific act often ignores the concept of SIA (Social impact assesement) etc .Due to this the people suffer in order to this to repeal the State Specific Laws in the State of Tamil Nadu and to Determine the compensation and Other Resettlement process Based on the LARR Act 2013. To ensure Article 14 Right to Equality.
- 3) State should ensure the right to City concept moving the persons 30km away from they actually live in such case the persons cannot be Affected the State should identify the land and other necessary Resettlement to Determine the Same Amount of the benefits that the persons where in they city and make an Alternative works for them . and also the State Should give 1 year form the date of Acquisition and also to Determine the Compensation for Them for 1 year it should be welfare the affected person may get another job and also the it will be enough to run they families until the new place is well established to them .
- 4) Digital Transparency and portals in thus case the Tamil Nadu Should implement a Block Chain Based Land Acquisition portal .Every project is that Affected persons (PAP) should have the digital ID where they have the and also able to track their the Social Impact status and also their Compensation and other necessary benefits and the Resettlement in real time etc.
- 5) Digital Transparency and portals in thus case the Tamil Nadu Should implement a Block Chain Based Land Acquisition portal .Every project is that Affected persons (PAP) should have the digital ID where they have the and also able to track their the Social Impact status and also their Compensation and other necessary benefits and the Resettlement in real time etc.