

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No. 10072 of 2017

EVP Estates & Properties Development Ltd.,  
No.23, Sir Thiagaraya Road,  
Pondy Bazaar, T.Nagar,  
Chennai - 600 017.  
Rep. by its Chairman & Director,  
Mr. E. V. Perumalsamy Reddy

...Petitioner

Versus

1. The District Collector,  
Collectorate,  
Kancheepuram, District - 631 501.
2. The Special Tahsildar,  
Land Acquisition,  
Chennai Airport Expansion Scheme,  
Sriperumbudur,  
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to complete the enquiry pursuant to the notice dated 09.07.2013 vide Na.Ka.No.98/2013 of the second respondent issued to the petitioner, and to pass an award in accordance with the provisions of Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a time limit to be stipulated by this Hon'ble Court.

For Petitioner : Mr. J. Ravikumar

For Respondents : Mr. A. Zakir Hussain,  
Government Advocate

## O R D E R

The petitioner is a Private Limited Company engaged in the business of Real Estate Developers and Promoters. The case of the petitioner is that they owned 3.07 acres in Kolapakkam Village, Kancheepuram District comprised in Survey Nos.307/1B, 310/2, 318/2, 321/1B, 321/2B, 322/1B, 326/4B, 325/5A, 325/3B, 326/5B, 326/1B, 309/2, 311/2, 317/2, 326/2B and 329/1B. This property was part of a larger tract of land belonging to the petitioner. The petitioner originally intended to develop the lands into lay-outs, but, this did not materialise. While so, the State Government Vide its G.O.Ms.No.108, Transport (I-2) Department, dated 09.10.2007 notified the acquisition of 358.76.5 hectares comprised in few villages in Kancheepuram District. This acquisition included the 3.07 acres of petitioner's land indicated in the earlier as well. Thereafter, the second respondent has issued a Notice dated 09.07.2013 to the petitioner to appear for an enquiry for a purpose of determining the compensation payable.

2. The grievance of the petitioner is that no compensation has yet been passed under the Land Acquisition Act, 1894. Therefore, he sought a Writ of Mandamus directing the authorities to determine the compensation payable under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act, 30 of 2013).

3. In the counter affidavit filed by the second respondent, it is inter alia alleged that the petitioner, though was served with the notice dated 09.07.2013 to participate in an enquiry scheduled to take place on 08.08.2013 at 11:00 hours, it nominated none to participate. It is also evident from the counter affidavit that no compensation has yet been passed in the matter. However, there is assertion in the counter affidavit that the possession of the property has been taken on 09.10.2017 in G.O.Ms.No.108.

4. Since the compensation has not yet been paid, it is only appropriate that the petitioner is heard in the matter as is statutorily required. The learned counsel for the petitioner insisted that under Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act, 30 of 2013), where land acquisition proceeding was initiated under Central Act 1 of 1894 and an award was not passed before coming into force of Central Act, 30 of 2013, compensation shall be determined only in terms of the provisions in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. The second respondent is hereby directed to issue a fresh notice of enquiry at the address of the petitioner given in this Writ Petition within four weeks from the date of receipt of copy of this order, fixing a fresh date for enquiry for the purpose of quantifying the compensation payable to the petitioner, and the second respondent is further directed to consider all such materials and pass the award according to law. Accordingly, this Writ Petition is disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The District Collector,  
Collectorate,  
Kancheepuram, District - 631 501.
2. The Special Tahsildar,  
Land Acquisition,  
Chennai Airport Expansion Scheme,  
Sriperumbudur,  
Kancheepuram District.

+lcc to Mr. J. Ravikumar, Advocate, S.R.No.1581  
+lcc to the Government Pleader, S.R.No.1851

W.P.No.10072 of 2017

VGII(CO)  
CS/31/01/18

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