

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.21291 of 2017

Premier Plass Pack Ltd.,
Rep. By its Director P. Nagarajan,
38, "Masterpiece Haran" Apt.,
21A, Venkataswamy Road (East),
R.S.Puram,
Coimbatore - 641 002.

...Petitioner

Versus

The District Revenue Officer,
Coimbatore Collectorate,
Coimbatore.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in respect of the respondent's communication which is neither dated nor signed - National Highways 209 - KM 151/4 for constructing the approach road for the railway overbridge, regarding the interim compensation to be paid to the land owners - details: District: Coimbatore, Taluk: Maddukarai, Village: Kuruchi, land owner: Thi/va. Premier Plass Pack Ltd., Sl.No.2(1), Ka.Sa.No.1863B2B (Part), Status: Ryotwari Punjai, Land Acquisition area (in Sq.metr): 0.1450.0, received by the petitioner on 20.04.2015, and quash the same with a consequential direction to the respondent to determine the compensation to be paid to the petitioner for the acquisition of the lands of the petitioner company in G.S.No.186/3B2B to the extent of 1450 Sq.metres or 15607.5 Sq.ft in Kuruchi Village at Coimbatore South Circle, Coimbatore District, by taking into account Section 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 along with further direction to the respondent to settle the compensation amount to be paid to the petitioner within three months after deducting the interim compensation amount paid to the respondent on 15.04.2015.

For Petitioner : Mr. C. V. Vijayakumar

For Respondent : Mr. Akhil Akbar Ali,
Government Advocate

O R D E R

The petitioner has come forward with this petition seeking this Court to quash an interim award received by the petitioner on 20.04.2015 and to pass a fresh award in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

2. The brief facts that are necessary to appreciate the case of the petitioners as disclosed by the affidavit are: The petitioner is a company Registered under the provisions of Companies Act, that it owned about 2.7 Acres in G.S.No.186/3B2B at Kuruchi Village, Coimbatore South Taluk, Coimbatore District. A part of this property was acquired by the respondent under the provisions of Tamil Nadu Highways Act, 2001. The petitioner was served with a notice dated 11-01-2011 under Section 15(2) of the said Act and following it, a Notification under Section 15(1) of the Land Acquisition Act dated 28.02.2011 was issued. Thereafter, the petitioner was invited for an enquiry under Section 19(2) of the Act, and the petitioner too participated in an enquiry dated 13.11.2013. However, no award has been passed yet. In the meantime, on 20.04.2015, petitioner received a date less notice intimating him about an interim award said to have been passed for Rs.80,86,098/- along with a cheque dated 15.04.2015. This the petitioner now challenges since in view of the fact that on 01.01.2014, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Central Act 30 of 2013) has come into force and compensation must be paid to him in terms of the Central Act 30 of 2013.

3. Mr. Akhil Akbar Ali, the learned Government Advocate entered appearance for the respondents. The learned Government Advocate on instructions submitted that admittedly, no final award in this case has been passed and that the final award would be passed in terms of the provisions providing for quantifying or determining the compensation amount under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 .

4. This Court therefore chooses to modify the prayer and directs the respondents to pass a final award after due enquiry and after offering reasonable and effective opportunity to the petitioner and pass a final award in terms of the provisions of the Central Act 30 of 2013 within a period of three months from the date of receipt of a copy of this Order. Any amount disbursed to the petitioner under the interim award is liable to

be deducted from the final-compensation amount to be quantified. The said exercise is directed to be completed within six months from the date of receipt of a copy of this order. With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrr

To

The District Revenue Officer,
Coimbatore Collectorate,
Coimbatore.

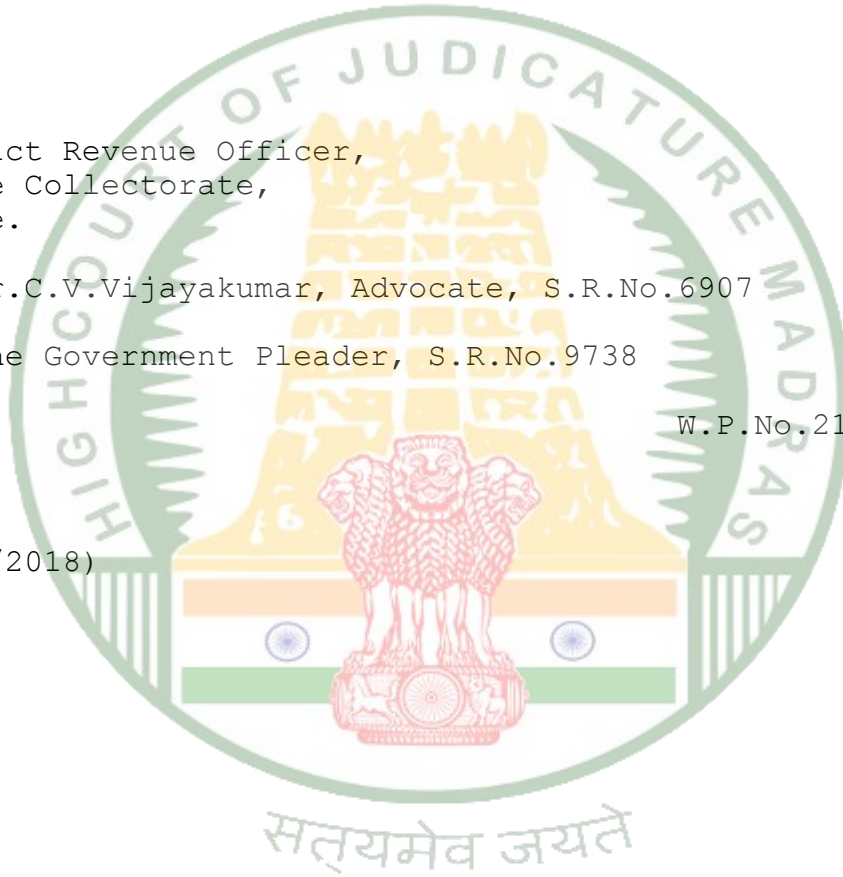
+1cc to Mr.C.V.Vijayakumar, Advocate, S.R.No.6907

+1cc to the Government Pleader, S.R.No.9738

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BR(CO)

RRK(10/04/2018)



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