

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.26011 of 2014

and

M.P.No.2 of 2014

S.Balasubramani

represented by B.Jagadha

Power of Attorney

No.157, S.N.Chetty Street,

Royapuram Post,

Chennai - 600 013.

... Petitioner

vs.

1.The Principal Secretary and Commissioner,
of Land Administration,
Ezhilagam, Chepauk, Chennai.

2.The Principal Secretary to Government,
Highways and Minor Ports Department,
Chennai - 600 009.

3.The District Collector, Coimbatore District,
Collectorate Campus, Coimbatore - 641 018.

4.The District Revenue Officer,
Coimbatore District, State Bank Road,
Coimbatore - 641 018.

5.The Chief Engineer, Projects,
Tamil Nadu Highways Department,
Chepauk, Chennai.

6.The Superintendent Engineer, Projects,
Tamil Nadu Highways Department,
Coimbatore Circle, Near North Coimbatore Flyover,
Coimbatore - 641 043.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the entire proceedings in respect of the land acquisition proceedings pertaining to Government Order No.(T) No.276, Highways and Minor

Ports (HS2) Department, dated 31.12.2013, wherein an extent of 0.0256.0 sq.mts., in Town Survey No.38 belonging to petitioner's land, which is part of the acquisition proceedings and direct the respondents to proceed and fix the award amount and to disburse the award amount within 3 months time as per the new Act i.e., The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Resettlement Act, 2013.

For Petitioner : Mr.R.Ramachandran
for M/s.Raams Law Associates

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

ORDER

This writ petition has been filed challenging the notification issued under Section 15(1) of Tamil Nadu Highways Act dated 31.12.2013.

2. Heard Mr.R.Ramachandran, learned counsel for the petitioner and Mr. Akhil Akbar Ali, learned Government Advocate for the respondents and perused the materials available on record.

3. The learned counsel for the petitioner submitted that after enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Resettlement Act, 2013, land of the petitioner can be acquired only under the new Act and compensation has to be determined under the provisions of the new Act. It is further stated that though the impugned notification was issued in the year 2013, interim compensation was paid on 21.5.2016. The grievance of the petitioner is that the respondent has not determined the compensation under Act 30 of 2013.

4. The learned Government Advocate appearing for the respondents submitted that the petitioner was paid interim compensation as per the Tamil Nadu Highways Act, however the final award will be passed by following the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Resettlement Act, 2013.

5. Though the petitioner has prayed for a larger relief, considering the submissions made by the learned counsels, this Court, without going into the merits of the case, directs the fourth respondent to determine the compensation under the New Act, after providing ample opportunity to the owners to let in evidence to fix market value on the date of notification. It is made clear that the owners of the land are entitled to get all benefits including interest under Act 30 of 2013. The entire

exercise shall be completed within a period of four months i.e., on or before 30.11.2018.

6. With the above observation and direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ms

To

1. The Principal Secretary and Commissioner,
of Land Administration,
Ezhilagam, Chepauk, Chennai.
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Coimbatore Circle, Near North Coimbatore Flyover,
Coimbatore - 641 043.

+1cc to Mr.R.Ramachandran, Advocate, S.R.No.51065
+1cc to the Government Pleader, S.R.No.51427

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VBA(CO)
CS/31/07/18