

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.26620 of 2015
and
W.P.M.P.No.1 of 2015

R. Gowriammal

...Petitioner

Vs.

1. The State of Tamil Nadu Rep. by its
Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Directorate of Town and Country Planning,
Chennai - 600 002.
3. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
4. The Special Tahsildhar,
(Land Acquisition),
Coimbatore South Taluk,
Coimbatore.
5. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.
6. K. Arjunan,
Councillor of Ward No.85,
Coimbatore City Municipal Corporation,
73, Sundakkamuthur Road,
Coimbatore - 641 026.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration declaring that the entire Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of the petitioner's lands measuring an extent of 7704 Sq.ft., bearing T.S.No.527/2A2, in Ward No.3, Block No.9, Coimbatore as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr. P. Dinesh Kumar

For Respondents - 1 to 4 : Mr. M. Karthikeyan,
Addl. Government Pleader

Respondent -5 : Mr. R. Sivakumar

ORDER

In this Writ Petition, the petitioner seeks a Writ of Declaration declaring that the entire Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894 in respect of the petitioner's lands measuring an extent of 7,704 Sq.ft., bearing T.S.No.527/2A2, in Ward No.3, Block No.9, Coimbatore has lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The learned counsel for the petitioner alleged that under Section 12(2) of the Land Acquisition Act, 1894 (hereinafter referred to as "Act"), no notice of passing of the award was issued to the petitioner in terms of the Act and the compensation amount too has not been deposited in the Court. Pursuant to the passing of the award, the amount was not deposited in the Court as it required.

3. Mr.Dinesh Kumar, District Revenue Officer, Coimbatore is personally present to assist the Court and the same is recorded and appreciated. In paragraph No.4 of the counter affidavit filed by the first respondent, it is made clear that the amount indeed has been deposited in the Court.

4.1. The learned counsel for the petitioner would now inform the Court that the said amount was returned by the Government and it now lies in the deposit of the treasury as per Pune Municipal Corporation & Anr. Vs. Harakchand Misirimal Solanki reported in 2014 (3) SCC 183. It does not conform to the statutory requirement which insists deposit of the amount in the Court.

4.2. Replying the same, the learned Additional Government Pleader brought to the notice of the Court in terms of Delhi Development Authority Vs. Sukhbir Singh & Ors. [(2016) 16 SCC 258], it is made clear that notice under Sec. 12(2) of the Act was issued, it is appropriate for the Authorities to deposit the compensation amount in terms of the Rules framed under Section 55 of the Land Acquisition Act, 1894. He also circulated a copy of the 12(2) Notice issued to the petitioner's husband and this Court consider it as a proper notice.

5. In Pune Municipality case, the Honourable Supreme Court did not have an occasion to consider the need of the petitioner to respond to Section 12 Notice. But this has been clarified in Delhi Development Corporation case. The only issue that no court deposit is made is no more sustainable and hence the petition necessarily fails.

6. This petition is accordingly dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

mrr

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Directorate of Town and Country Planning,
Chennai - 600 002.
3. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
4. The Special Tahsildhar,
(Land Acquisition),
Coimbatore South Taluk,
Coimbatore.

+1cc to Mr.P.Dineshkumar, Advocate Sr.No.12065
+1cc to Mr.R.Sivakumar, Advocate SR.No.12104

KS(CO)
sm:28.5.2018

सत्यमेव जयते

W.P.No.26620 of 2015

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