

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.32657 of 2015
and
M.P.Nos.1 & 2 of 2015

Gandhiji Gramodhyog Pengal Sarvodya Sangam,
Represented by its Authorised Person, V.Mohanraj
Door No.13, Bharathar South Street,
Tirunelveli Pettai - 627004.

... Petitioner

Vs

- 1.The Hon'ble Principal Secretary and Commissioner
of Land Adminstration,
Ezhilagam, Chepauk, Chennai.
- 2.The Hon'ble Principal Secretary to Government,
Highways and Minor Ports Department,
Chennai - 600 009.
- 3.The Hon'ble District Collector,
Coimbatore District, Collectorate Campus,
Coimbatore - 641 018.
- 4.The District Revenue Officer, Collectorate Campus,
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

PRAYER :

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records 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 by the 2nd respondent and quash the entire proceedings and direct the respondents to include Gandhiji Gramodhyog Pengal Sarvodya Sangam, as one of the owners in Sl.No.7 of the Gazette Notification along with Jeganathan and Rajasekaran pertaining to TS.No.35 (Part) and 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.A.Ashok Kumar

For Respondents : Mr.D.Raja
Additional Government Pleader

O R D E R

The case of the petitioner in brief is as follows:-

The petitioner's land was acquired under the Tamil Nadu Highways Act, 2001 for construction of railway over-bridge on the railway line between Irugur and Podanur at Singanallur Village, Coimbatore, an interim award was also passed under the Land Acquisition Act on 25.01.2016 and so far, no final award has been passed. In view of repealing of the Land Acquisition Act and in view of the new Act viz., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Resettlement Act, 30 of 2013 the petitioner is entitled for compensation under the Act 30 of 2013. So far, the compensation was not paid. Hence, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner would submit that in respect of the very same acquisition proceeding, the neighboring land owners filed writ petitions for similar relief in W.P.Nos.26010 to 26012 of 2014, and this Court by an order dated 27.07.2018, directed the Authorities to determine the compensation under the new Act 30 of 2013 after providing opportunity to the owners. He also produced the copy of the order passed in the said writ petitions.

3. I have considered the submissions of both the counsels and also the orders passed by this Court. In similar acquisition proceedings, the neighboring land owners have filed writ petitions, in which, this Court passed the following order:-

"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."

4. In the above circumstances, there will be a direction to the 4th respondent to determine the compensation payable to the petitioner under Act 30 of 2013 after providing opportunity to the petitioner and fix the market value on the date of notification and the petitioner is entitled to get all the benefits under the Act 30 of 2013 and the 4th respondent is directed to complete the entire exercise within four (4) months from the date of receipt of a copy of the order.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dsa

To

- 1.The Hon'ble Principal Secretary and Commissioner
of Land Administration,
Ezhilagam, Chepauk, Chennai.
- 2.The Hon'ble Principal Secretary to Government,
Highways and Minor Ports Department,
Chennai - 600 009.
- 3.The Hon'ble District Collector,
Coimbatore District, Collectorate Campus,
Coimbatore - 641 018.
- 4.The District Revenue Officer, Collectorate Campus,
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.

+lcc to Mr.S.Sivalinga Kesavan, Advocate, S.R.No.69386
+lcc to the Government Pleader, S.R.No.70166

W.P.No.32657 of 2015

MR(Co)
CS/01/11/2018



WEB COPY