



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.11.2018

CORAM :

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THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P(MD)Nos.21063, 21064, 21065,
21066, 21067 and 21068 of 2018

C.Adaikkan	..	Petitioner in WP(MD). 21063/ 2018
M.PANDARAM,	...	Petitioner in WP(MD). 21064/ 2018
K.DEIVASUBRAMANIAN,	...	Petitioner in WP(MD). 21065/ 2018
M.PONNALAGU	...	Petitioner in WP(MD). 21066/ 2018
P.PETCHI,	...	Petitioner in WP(MD). 21067/ 2018
V.CHELLANDI,	...	Petitioner in WP(MD). 21068/ 2018

Vs.

1.The District Collector,
Madurai,
Madurai District.

2.The Special Thasildar (Land Acquisition),
Madurai Airport Extention Unit-II,
Old Ramanathapuram Madurai Collector
Office Building,
Madurai,
Madurai District.

... Respondents in WP(MD). 21063/ 2018

1 THE DISTRICT COLLECTOR, MADURAI, MADURAI DT.

2 THE SPECIAL THASILDAR (LAND AQUISITION), MADURAI AIRPORT
EXTENSION UNIT-II, OLD RAMANATHAPURAM-MADURAI COLLECTOR OFFICE
BUILDING, MADURAI, MADURAI DT.

... Respondents in WP(MD). 21064/ 2018

1 THE DISTRICT COLLECTOR, MADURAI, MADURAI DT.

2 THE SPECIAL THASILDAR (LAND AQUISITION), MADURAI AIRPORT
EXTENSION UNIT-II, OLD RAMANATHAPURAM-MADURAI COLLECTOR OFFICE
BUILDING, MADURAI, MADURAI DT.

... Respondents in WP(MD). 21065/ 2018



1 THE DISTRICT COLLECTOR, MADURAI, MADURAI DT.

2 THE SPECIAL THASILDAR (LAND AQUISITION), MADURAI AIRPORT
EXTENSION UNIT-II, OLD RAMANATHAPURAM-MADURAI COLLECTOR OFFICE
BUILDING, MADURAI, MADURAI DT.

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... Respondents in WP(MD). 21066/ 2018

1 THE DISTRICT COLLECTOR, MADURAI, MADURAI DT.

2 THE SPECIAL THASILDAR (LAND AQUISITION), MADURAI AIRPORT
EXTENSION UNIT-II, OLD RAMANATHAPURAM-MADURAI COLLECTOR OFFICE
BUILDING, MADURAI, MADURAI DT.

... Respondents in WP(MD). 21067/ 2018

1 THE DISTRICT COLLECTOR, MADURAI, MADURAI DT.

2 THE SPECIAL THASILDAR (LAND AQUISITION), MADURAI AIRPORT
EXTENSION UNIT-II, OLD RAMANATHAPURAM-MADURAI COLLECTOR OFFICE
BUILDING, MADURAI, MADURAI DT.

... Respondents in WP(MD). 21068/ 2018

PRAYER in WP(MD)No.21063/18 : 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 relating to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.58396/2009/B1 dated 16.08.2018 and set aside the same as illegal and consequently directing the respondents to pass award for the compensation of the acquired lands in respect of the petitioner and his family properties in survey No.270/2B, and S.No.270/3, S.No.270/5, S.No.270/2A2B and in S.No.269/1q, situated at Perungudi Village, Madurai District as per the 2018 guideline value of the Tamil Nadu Government based on the petitioner's representation dated 15.09.2018.
(prayer amended vide Court order dated 23.10.2018
in W.M.P(MD).No.19642 of 2018)

Prayer in WP(MD). 21064/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a (*)Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.58396/2009/B1 dated 16.08.2018 and set aside the same as illegal and consequently directing the respondent to pass award for the compensation of the acquired lands in respect of the petitioner and his family properties in Survey Nos.270/7A, 273/4E, 273/4L, 273/4M, 273/5D, 273/5G, 273/5J, situated at perungudi Village, Madurai District as per the 2018 guideline value of the Tamil Nadu Government, based on the petitioners representation dated 15.09.2018



*(prayer amended vide court order dated 23.10.2018 in WMP(MD). 19643/18)

Prayer in WP(MD). 21065/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a (*)Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.36467/2009/B1 dated 31.08.2018 and set aside the same as illegal and consequently directing the respondent to pass award for the compensation of the acquired lands in respect of the petitioner and his family properties in Survey No.286/3A and S.No.284/1, situated at perungudi Village, Madurai District as per the 2018 guideline value of the Tamil Nadu Government, based on the petitioners representation dated 15.09.2018.

*(prayer amended vide court order dated 23.10.2018 in WMP(MD). 19644/18)

Prayer in WP(MD). 21066/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a (*)Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.30543/2009/B1 dated 16.08.2018 and set aside the same as illegal and consequently directing the respondents to pass award for the compensation of the acquired lands in respect of the petitioner and her family properties in survey No.286/3C, and S.No.286/3B, situated at Perungudi Village, Madurai District as per the 2018 guideline value of the Tamilnadu Government based on the petitioner's representation dated 15.09.2018.

*(prayer amended vide court order dated 23.10.2018 in WMP(MD). 19645/18)

Prayer in WP(MD). 21067/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a (*)Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.58396/2009/B1 dated 16.08.2018 and set aside the same as illegal and consequently directing the respondents to pass award for the compensation of the acquired lands in respect of the petitioner and her family properties in survey No.269/1Y, S.No.269/7B, S.No.269/1K and S.No.269/1Z, situated at Perungudi Village, Madurai District as per the 2018 guideline value of the Tamilnadu Government based on the petitioner's representation dated 15.09.2018.

*(prayer amended vide court order dated 23.10.2018 in WMP(MD). 19646/18)



Prayer in WP(MD). 21068/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a (*)Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.58396/2009/B1 dated 16.08.2018 and set aside the same as illegal and consequently directing the respondents to pass award for the compensation of the acquired lands in respect of the petitioner and his family properties in Survey No.271/4B, Survey No.272/1, and Survey No.269/1x, situated at Perungudi Village, Madurai District as per the 2018 guideline value of the Tamilnadu Government based on the petitioner's representation dated 17.09.2018.

*(prayer amended vide court order dated 23.10.2018 in WMP(MD). 19647/18)

In all cases;

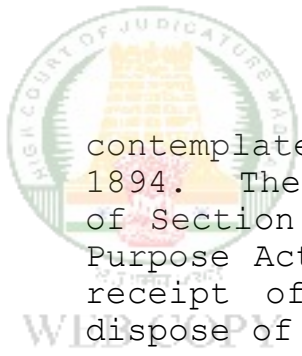
For Petitioners : Mr.J.Jeyakumaran

For Respondents : Mr.M.Rajarajan
Government Advocate

COMMON ORDER

These writ petitioners herein owned lands in the vicinity of Madurai Airport. Their lands were acquired for expansion of the Airport. The acquisition proceedings commenced way-back in the year 2009. However, award was passed only on 16.08.2018. The petitioners are aggrieved by the quantum of compensation fixed in the said awards. They have given representations on 15.09.2018 and 25.09.2018. Since their representations were not considered, these present writ petitions came to be filed. The petitioners herein want a modification of the award passed by the second respondent and for enhancement of the compensation awarded to them.

2. The acquisition proceedings in the present cases were initiated under Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997. Section 8 of the said Act provides for reference to the Court when a person is aggrieved by the decision of the Collector or the Officer determining the amount of compensation, the aggrieved person must lodge his application within 60 days. In this case, such an application was lodged within time. Therefore, the remedy is not before this Court by way of Writ Petition. But then, the petitioners cannot directly approach the Court for enhancement of compensation. It is the duty of the Collector to make a reference in the manner as



contemplated by Sections 18 and 19 of the Land Acquisition Act, 1894. The respondents are directed to make a reference in terms of Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997, within a period of four weeks from the date of receipt of a copy of this order. The Court concerned shall dispose of the reference within a period of six months thereafter.

This Writ Petition is **allowed** on these terms. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS-II)

To

- 1.The District Collector,
Madurai,
Madurai District.
- 2.The Special Thasildar (Land Acquisition),
Madurai Airport Extention Unit-II,
Old Ramanathapuram Madurai Collector
Office Building,
Madurai,
Madurai District.

+6 CC To MR.J.JEYAKUMARAN, Advocate SR. NO.94665 TO 94670
+1 CC TO The Special Government Pleader SR.NO. 94749

W.P(MD)Nos.21063, 21064, 21065,
21066, 21067 and 21068 of 2018
09.11.2018

RMK

TR/SV/SAR-II(12.11.2018)P 10C