



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A[MD].No.476 of 2018

and

C.M.P. (MD) .No.2860 of 2018

S.S.Thangathevan

: Appellant

Vs.

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Highways Department, Fort St. George,
Secretariat, Chennai-600 009.

2. The District Revenue officer,
Trichy.

3. The Tahsildar,
Land Acquisition, Lalgudi.

: Respondents

PRAYER: Writ Appeal is filed under Order XV of the Letters Patent Act to set aside the order dated 01.03.2018 in W.P.(MD).No.1329 of 2015 and thereby allow the Writ Appeal as prayed for.

Prayer in WP(MD) . 1329/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act,2001 in respect of the petitioners land in an extent of 27 Square Metres in Survey No.118/13F of Sirdhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and in-operative and pass such further or other orders.

For Appellant

:Mr.AR.L.Sundaresan, Senior Counsel
for M/s.AL.Ganthimathi

For Respondents

:Mr.B.Pugalendhi
Additional Advocate General

JUDGMENT

[Judgment of the Court was delivered by **K. RAVICHANDRABAABU, J**]

This writ appeal is filed challenging the order made in W.P. (MD) No.1329 of 2015, dated 01.03.2018. Appellant is the writ petitioner. The said writ petition along with a batch of other



cases were disposed of by a common order passed by the learned Single Judge, wherein and whereby, all the writ petitions were dismissed with an observation that the land acquisition proceedings shall be completed after complying with all the legal formalities, including payment of compensation to the parties concerned.

2. Though this writ appeal was filed by raising very many grounds on merits of the matter, today, the appellant filed an affidavit before this Court, dated 14.06.2018, stating that, leaving the question of law raised in this appeal open, he is agreeable to receive the compensation for the lands, if such compensation is determined and awarded as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. It is also stated that such concession is made by the appellant without prejudice to his right to take appropriate proceedings, if the appellant is not satisfied with the quantum of compensation. For better understanding, the affidavit filed by the appellant is extracted hereunder:-

"1.I am the Appellant herein. As such I am well acquainted with the facts of the case.

2.I submit that I have filed the above Writ Appeal against judgment in W.P.(MD)No.1329 of 2015 dated 01.03.2018.

3.The issue raised by me in the writ appeal is that the acquisition proceedings under the Tamil Nadu Highways Act, 2001 is abated on account of the coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

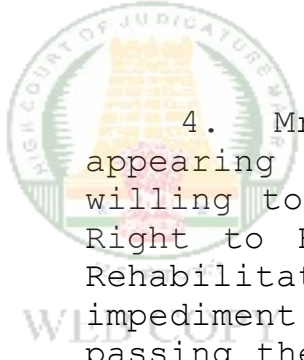
4.I respectfully submit leaving the said question of law open, I am agreeable to receive the compensation for the lands which is the subject matter of the acquisition proceedings if compensation is determined and award is passed and compensation is paid as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013

5.I further submit the above concession is without prejudice to my right to take appropriate proceedings if I am not satisfied with the quantum of compensation.

I pray that this Hon'ble Court may be pleased to record this concession affidavit and pass appropriate orders and thus render justice."

3. Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the appellant submitted that in view of the affidavit filed by the appellant, the writ appeal can be disposed of, without going into any of the merits and contentions raised by the appellant, by

<https://hccservices.gov.in/hccservices/> questions to be agitated in an appropriate proceeding.



4. Mr.B.Pugalendhi, learned Additional Advocate General appearing for the respondents, submitted that if the appellant is willing to receive the compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, there will not be any impediment for the respondents in determining the compensation and passing the award in accordance with the law as it prevails.

5. In view of the above said facts and circumstances; the affidavit filed by the appellant as extracted supra; and also the submissions made by the learned Counsel on either side, this writ appeal is disposed of in the above terms, without expressing any view on the merits of the matter including the question of law raised by the appellant. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Highways Department, Fort St. George,
Secretariat, Chennai-600 009.
2. The District Revenue officer,
Trichy.
3. The Tahsildar,
Land Acquisition, Lalgudi.

+1cc to M/s.AL.Ganthimathi, Advocate Sr.No.68390

+1cc to SPECIAL GOVERNMENT PLEADER, Sr.No.68452

GK

MK/SB/SAR 4/27.06.2018/3P/6C

**Judgment made in
W.A[MD] .No.476 of 2018
14.06.2018**