



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.06.2018**

CORAM:

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE**

**AND**

**THE HONOURABLE MR.JUSTICE M.SUNDAR**

**W.A. [MD].No.554 of 2018**

**and**

**C.M.P. (MD)No.3149 of 2018**

S.Kadher Basha

: Appellant/Petitioner

Vs.

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

2. The District Revenue Officer,  
Tiruchy.

3. The Tahsildar,  
Land Acquisition,  
Lalgudi.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 01.03.2018 made in W.P.(MD).No.10370 2015, on the file of this Court.

Prayer in WP(MD). 10370/ 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 Petitioner's land of an extent of 28 Square Metres in Survey No. 118/11 of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.

For Appellant : Mr.AR.L. Sundaresan  
Senior Counsel  
for M/s.AL.Gandhimathi

For Respondents : Mr.B.Pugalendhi  
Additional Advocate General  
Assisted by  
Mr.A.K.Baskarapandian,  
Special Government Pleader

**JUDGMENT**

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**[Judgment of the Court was delivered by The Hon'ble Chief Justice]****WEB COPY**

This writ appeal is filed challenging the order made in W.P.(MD)No.10370 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 12.06.2018, 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.10370 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 leaving those 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 (RTI)

/True Copy/

Sub Assistant Registrar

To

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

<https://hcservices.ecourts.gov.in/hcservices/>

2. The District Revenue Officer,  
Tiruchy.



3. The Tahsildar,  
Land Acquisition,  
Lalgudi.

+ 1 cc TO M/s.AL.Gandhimathi , Advocate in SR No. 70596

+ 1 cc TO The Special Government Pleader in SR No. 70639

vvk

AE/SKN RSK/SAR1/06.07.2018/4P/6C

**W.A. [MD] .No.554 of 2018**  
**29.06.2018**