



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 12.12.2018
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

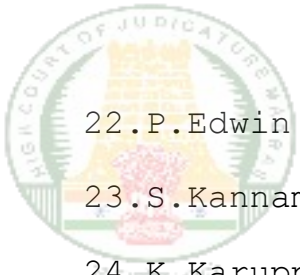
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W.P (MD) Nos.1215, 10786 and 12274 of 2017

and

WMP (MD) Nos.1025, 1026, 8205, 8206 & 9433 of 2017

- 1.M.Karuppaiah Sadachi
- 2.M.Chellam
- 3.P.Gurusamy
- 4.M.Muthukaruppan
- 5.V.jesumanickam
- 6.A.Panchavarnam
- 7.M.Rajendran
- 8.S.Kalyani
- 9.A.Balasubramanian
- 10.B.Amalapushpam
- 11.A.Arulandhu
- 12.S.Pushpam
- 13.K.Pichai
- 14.A.Abdul Kabar Khan
- 15.T.S.Rajaram
- 16.S.Sethuraman
- 17.M.S.Beemaraj
- 18.P.Kalaimani
- 19.S.Vijayaraman
- 20.S.Sivanathan



22.P.Edwin Jeyaseelan

23.S.Kannamani

24.K.Karuppasamy

25.T.Govindarajan

26.S.Solairaj

27.C.Selvaraj

28.K.Arulsamy

29.Majagar Begam

30.A.Karmegam

31.T.Mariammal

32.N.Manickam

33.V.Ramasamy

34.M.Shanmugavalli

35.V.Nagalakshmi

36.C.Amaravathy

37.A.Gulabjan Beevi

38.P.Mallika

39.N.Mathivanan

40.V.Joseph

41.P.Thangaraj

42.R.Krishnamoorthy

43.A.Thenmozhi

44.R.Danushkodi

45.D.Muthulakshmi

46.T.Dhayalan



48.T.Thirumal

49.T.Tamilarani

50.V.Santhanamani

51.J.Mathivanan

52.R.Madurai Veeran

53.A.Umadevi

54.P.Marimuthu

55.K.Arunachalam

56.M.Muthusangili

57.P.Ramalingam

58.K.Chandrasekar ...Petitioners in W.P.(MD)No.1215 of 2017

1.R.Mohan

2.S.Nagajothi

3.M.Indirani ...Petitioners in W.P.(MD)No.10756 of 2017

T.R.Ramdass ...Petitioners in W.P.(MD)No.12274 of 2017

Vs.

1.The Government of Tamilnadu,
Rep. by its Principal Secretary,
Transport Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

3.The District Collector,
Madurai District, Madurai.

4.The District Revenue Officer,
Madurai District, Madurai.

5.The Tahsildar,
Unit-1, Land Acquisition (Airport Expansion),
Madurai Collectorate, Madurai District.

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

6.The Tahsildar,



Unit-2, Land Acquisition (Airport Expansion),
Madurai Collectorate, Madurai District.

7. The Airports Authority of India,
Rep. by its Chairman,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi - 110 003.

... Respondents 1 to 7 in all the writ petitions

8. Airport Director,
The Airports Authority of India,
Madurai Airport, Madurai.

... 8th Respondent in W.P. (MD) Nos. 1215 & 10756/2017

Prayer in W.P. (MD) No. 1215 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned orders passed by the first respondent in G.O. Ms. No. 65, dated 21.03.2013, G.O. Ms. No. 209, dated 30.08.2010, G.O. Ms. No. 184, dated 19.07.2010, G.O. Ms. No. 81, dated 03.05.2012, G.O. Ms. No. 173, dated 05.07.2010, G.O. Ms. No. 170, dated 05.07.2010, quash the same in so far as the petitioners properties mentioned below are concerned and permit the petitioners to deal with their respective properties.

Prayer in W.P. (MD) No. 10786 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned orders passed by the first respondent in G.O. Ms. No. 49, dated 11.03.2013, and G.O. Ms. No. 65, dated 21.03.2013, quash the same in so far as the petitioners properties are concerned and permit the petitioners to deal with their respective properties.

Prayer in W.P. (MD) No. 12274 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from preventing the petitioner from using his land bearing S.No. 467/2A1 of Ayampappakudi Village, Madurai District.

For Petitioner in
W.P. (MD) Nos. 1215 &
12274 of 2017

**: (*) Mr. M. Saravanan for
Mr. R. Subramanian**

For Petitioner in
W.P. (MD) No. 10786/17

: Mr. P. T. Ramesh Raja

For R1 to R6 in
all the W.Ps.

: Mr. M. Rajarajan

For R7 in all the W.Ps
& R8 in W.P. (MD) Nos.

**ORDER**

The lands belonging to the petitioners herein were sought to be acquired by initiating proceedings under the Provision of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. Even the notification under Section 3(1) of the said Act was issued as early as on 05.07.2010. That means, the lands got absolutely vested in the Government. But then, till date, the petitioners have not been paid the compensation. Therefore, the petitioners have filed these writ petitions questioning the very validity of the acquisition notification.

2.As rightly contended by the learned counsel appearing for the writ petitioners, the writ petitioners property can be taken away only by the authority of Law as set out in Article 300A of the Constitution of India. Of course, in this case, the Provisions of Tamil Nadu Act 10 of 1999 have been invoked. The validity of the notification does not depend on invoking the appropriate statutory Provision alone. It also depends on payment of compensation to the affected land owners. In this case, for the last eight years, even award enquiry has not been conducted. Therefore, non payment of the compensation amount to the deprived land owners, certainly vitiates the acquisition proceedings themselves.

3.At this stage, the learned Government Advocate representing the Government of Tamil Nadu submitted that the process of disbursing the compensation has reached an advanced level and that only a few more formalities have to be complied with.

4.Taking into account the said submission, this Court, grants eight more weeks from the date of receipt of a copy of this order to not only conclude the award enquiry and also pass an award, but also to disburse the compensation itself to the petitioners herein. Of course, the petitioners would be at liberty to receive the compensation so determined by the authorities without prejudice to their rights to claim enhancement of the same. It is made clear that if this time limit is not adhered to, the notification impugned in this writ petition shall be deemed to have lapsed.

5.The writ petitions are allowed on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

(*) CORRECTED ORDER

/True Copy/

Assistant Registrar(CO)

Sub Assistant Registrar



To

(*)To be substituted the order date.12.12.2018 already despatched on 19.12.2018

- 1.The Principal Secretary,
Transport Department,
Fort St.George, Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.
- 3.The District Collector,
Madurai District, Madurai.
- 4.The District Revenue Officer,
Madurai District, Madurai.
- 5.The Tahsildar,
Unit-1, Land Acquisition (Airport Expansion),
Madurai Collectorate,
Madurai District.
- 6.The Tahsildar,
Unit-2, Land Acquisition (Airport Expansion),
Madurai Collectorate,
Madurai District.
- 7.The Airports Authority of India,
Rep. by its Chairman,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi - 110 003.
- 8.Airport Director,
The Airports Authority of India,
Madurai Airport, Madurai.

+1CC TO Mr.C.GODWIN, Advocate, Sr No.100014
+3CC TO Mr.R.SUBRAMANIAN, Advocate, Sr No.10038
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.100081

W.P(MD)Nos.1215, 10786 and
12274 of 2017
12.12.2018

rj2

KK/RSK/SAR-2/19.12.2018/6P/14C

SP/RSK/SAR-4/21.12.2018/6P/14C