

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.3515 of 2019
and
C.M.P.No.22545 of 2019

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

2.The District Collector,
Kancheepuram.

3.The Special Tahsildar (L.A.) Unit-IV,
Ultra Mega Power Project, Cheyyur,
Kanchipuram District.

...Appellants/Respondents

Vs

Saroja Ammal,
Vedal Village,
Cheyyur Taluk,
Kancheepuram District.

...Respondent/Petitioner

PRAYER : Appeal against the order made in W.P.No.27518 of 2016 dated 30.01.2018 on the file of this Court. The Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari calling for the records relating to the Award No.41/2015 dated 23/10/2015 of the respondents 2 & 3 herein and quash the same in so far as it relates to the petitioner's land of an extend of 0.54.5 hectares comprised in Survey No.74/1 and an extend of 0.29.0 hectares in survey No.74/2 of Vedal Village Cheyyur Taluk, Kancheepuram District.

For Appellants : Mr.V.Anandhamoorthy
Additional Government Pleader

For Respondents: Mr.AR.Karthick Lakshmanan
for Mrs.AL.Gandhimathi

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appellant is the owner of an agricultural land to an extent of 0.54.5 hectares in survey No.74/1 and an extent of 0.29.0 hectares in survey No.74/2 of Vedal Village, Cheyyur Taluk, Kancheepuram District. The said land was acquired under the Provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (T.N.Act 10 of 1999). Even though the respondent was called for private negotiation and was offered Rs.6,500/- per cent, the respondent was not agreeable to the said offer and subsequently, an award has been passed on 05.10.2015, fixing compensation at Rs.6,500/- per cent. The said order was challenged before the learned single Judge. It was contended before the learned single Judge that the compensation has to be determined as per the new Act. After hearing the parties, the learned single Judge set aside the award in respect of the respondent and remanded the matter to the Land Acquisition Officer to quantify the compensation either through private negotiation or by holding an enquiry and pass orders as per the new Act. The said order is being challenged before this Court.

2.Mr.V.Anandhamoorthy, learned Additional Government Pleader would submit that so far no award has been passed which is also confirmed by the learned counsel appearing for the respondent.

3.Since the award has been passed on 05.10.2015, after the new Act came into force, the learned single Judge only remanded the matter to the Land Acquisition Officer to decide about the quantum of compensation as per the new Act and therefore, there is no illegality in the order passed by the learned single Judge.

3.Accordingly, the appeal fails and the same is dismissed. The Land Acquisition Officer is directed to pass order as per the learned single Judge's order within a period of eight weeks from the date of receipt of a copy of this order, after giving opportunity to the respondent. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

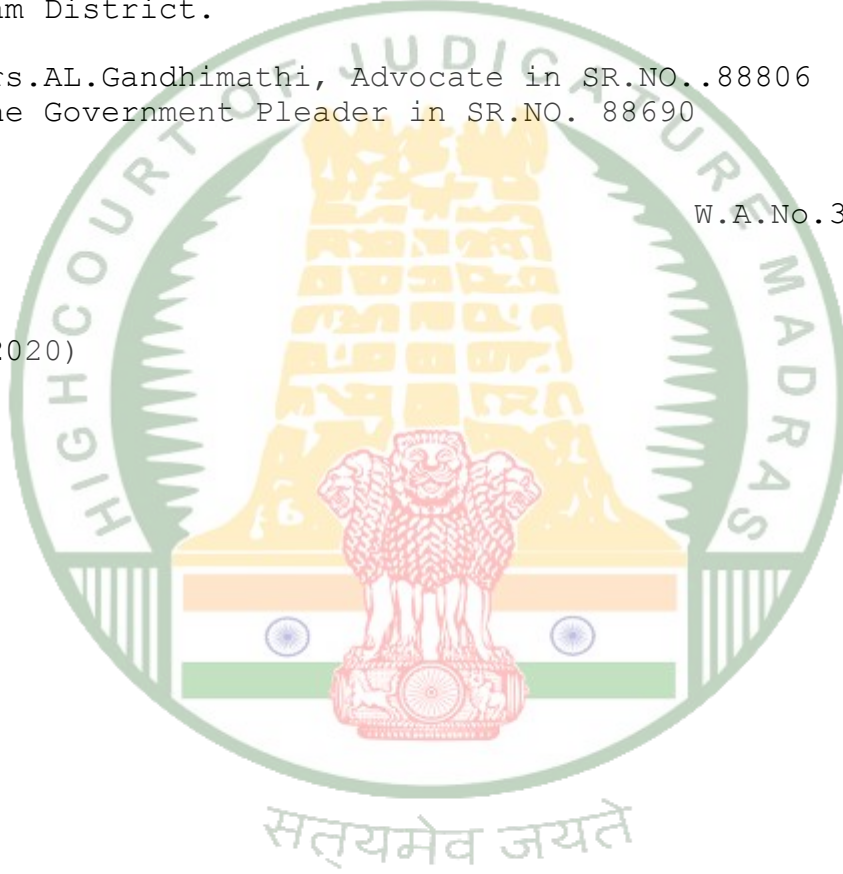
2.The District Collector,
Kancheepuram.

3.The Special Tahsildar (L.A.) Unit-IV,
Ultra Mega Power Project, Cheyyur,
Kanchipuram District.

+1cc to Mrs.AL.Gandhimathi, Advocate in SR.NO..88806
+1cc to the Government Pleader in SR.NO. 88690

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PVS (CO)
RV(01/10/2020)



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