

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM :

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

W.A.No.2970 of 2019
and
C.M.P.No.19215 of 2019

- 1.The Secretary to Government,
Government of Tamil Nadu
Energy Department,
Fort St.George, Secretariat,
Chennai - 600 009.
- 2.The District Collector,
Kancheepuram District.
- 3.The Special Tahsildar,
Land Acquisition Unit - IV (I/C),
Ultra Mega Power Project, Cheyyur,
Kancheepuram District.
... Appellants/ Respondents
Vs
Thiru Palani ...Respondent/ Petitioner

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order made in W.P.No.27515/2016 dated 30.10.2018 on the file of the High Court of Judicature at Madras.

Prayer in W.P.No.27515/2016:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Ceritorari Calling for the records relating to the Award No.40 of 2015 dt.30.10.2015 of the respondents 2 and 3 herein and quash the same in so far as it relates to the petitioners land of an extent of 0.35.5 hectares comprised in Survey No.68/2 of Vedal Village Cheyyur Taluk Kancheepuram District.

For Appellants : Mr.V.Anandhamoorthy,
Additional Government Pleader.

For Respondent : Mr.AR.L.Sundaresan,
Senior Counsel for
Mrs.A.L.Gandhimathi

J U D G M E N T

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

The appeal has been preferred against the remand order passed by the learned Single Judge setting aside the award passed by the authorities passed under the old Act especially when the date of the award is 30.10.2015, i.e, after the new Act came into force on 01.01.2014.

2.Heard Mr.V.Anandhamoorthy, learned Additional Government Pleader for the appellants and Mr.AR.L.Sundaresan, Senior Counsel for the respondent.

3.Agricultural lands to an extent of 0.35.5 hectares comprised in S.No.68/2 at Vedal Village, Cheyyur Taluk, Kancheepuram District were acquired under the provisions of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997. The respondent was entitled for compensation under Section 7 (2) of the Act based on a negotiated agreement and a sum of Rs.6,500 per cent was sought to be given which was not agreeable to the respondent/land owner. Thereafter the land acquisition authorities fixed the said value which was offered to the land owner under Section 7 (2) of the Act as the compensation amount payable and the 3rd appellant passed the award on 30.10.2015.

4.The said award was challenged before the learned Single Judge contending that the said award cannot be passed fixing the value under the old Act especially when the new Act came into force on 01.01.2014. Accepting the said contention, the award was set aside and the matter was remanded to the authorities to fix the compensation as per the new Act.

5.Admittedly as on 01.01.2014, when the new Act came into force, the award was not passed. It was passed only on 30.10.2015 after the new Act came into force. Therefore, there cannot be any award under the old Act. Therefore, the learned Single Judge was correct in setting aside the award and remanding the matter back to the authorities for fresh disposal as per the new Act.

5.Hence, the appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CJ CONF)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
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2.The District Collector,
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Ultra Mega Power Project, Cheyyur,
Kancheepuram District.

+1cc to M/s.A.L.Gandhimathi , Advocate SR.No. 77694

+1 cc to Government Pleader Sr.No. 78110

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and

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A.SK(14/10/2019)



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