

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.17100 of 2019

and

W.M.P.No.16662 & 16664 of 2019

A.Palanisamy

... Petitioner

Versus

- 1.The Government of Tamilnadu,
Rep. by its Secretary to Government,
Transport Department,
Fort St. George, Chennai.
 - 2.The District Collector,
O/o. The Collectorate,
Salem District, Salem.
 - 3.The Land Acquisition officer/ The District Revenue Officer,
Salem District, Salem.
 - 4.The Airport Director,
Airports Authority of India,
Salem-636 309.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records of the 3rd respondent pertaining to the impugned order dated 28.09.2018 passed in Na.Ka.No.8123/2018/B3 and quash the same as being illegal, arbitrary and devoid of merits and consequentially direct the 2nd respondent herein to permit the petitioner to raise fresh objections and adjudicate the same within a time frame fixed by this Court.

For Petitioner : Mr.K.Selvam

For R1 to R3 : Mr.D.Raja
Additional Government Pleader

O R D E R

The petitioner herein, whose land was acquired for extension of Salem Airport, has sought for equal extent of land inside the Airport.

2. The said representation has been rejected by the third respondent on the ground that there is no provisions under the Act to give alternate land. The Hon'ble Supreme Court Very recently in State of Tamil Nadu Vs. Dr.Vasanthi Veerasekaran has held in para 13 of its judgment as under:-

"13.In this view of the matter, it is not necessary for us to dilate on the plea taken by the appellant that the policy regarding grant of alternative housing site as a discretionary power of the State Government has been discontinued from the year 2011. For the completion of record, however, we must note the argument of the private respondent(s) that their claim must be decided only on the basis of policy as it existed at the relevant time and at least at the time of direction issued by the High Court vide the impugned judgment in the year 2006. As aforementioned, it is not necessary for us to take this argument any further as we have held that the schemes applicable to the acquisition for development of houses have no application to the project for which the lands owned by the private respondent(s) came to be acquired for implementation of a project by the Government of India (Railways)."

3. In the light of the above judgment, if the scheme of acquisition does not provide for giving alternate land, then the land owner can only seek for compensation of the land value and not land in alternate.

4. Hence, this Court finds no irregularity or infirmity in the impugned order. Hence, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

1. The Secretary to Government,
The Government of Tamilnadu,
Transport Department,
Fort St. George, Chennai.

2.The District Collector,
O/o. The Collectorate,
Salem District, Salem.

3.The Land Acquisition officer/ The District Revenue Officer,
Salem District, Salem.

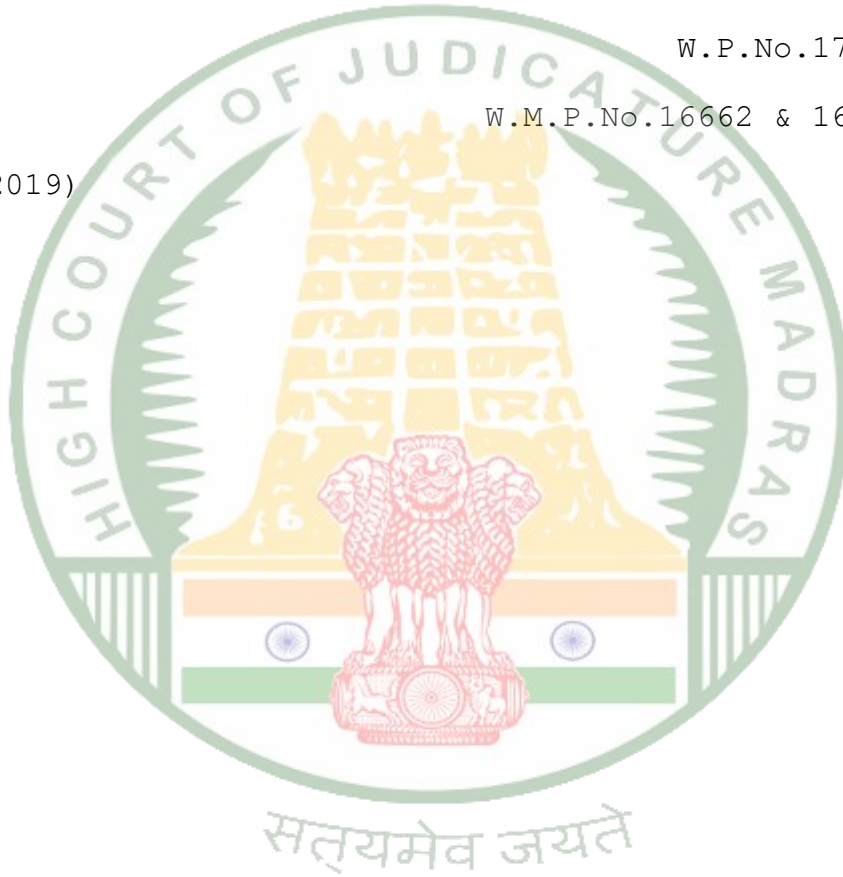
4.The Airport Director,
Airports Authority of India,
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+lcc to the Government Pleader, S.R.No. 85410

W.P.No.17100 of 2019
and

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SVI (CO)
GN(24/07/2019)



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