

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.02.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

WP.Nos.34690, 34693, 34695, 34703, 34704, 34708,
34711 & 34714 of 2018

&

WMP.Nos.40236, 40237, 40239, 40249, 40250, 40253,
40254 & 40258 of 2018

EVP Estates and Properties Development Ltd.,
rep. by its Manager,
P.Manivannan,
No.23, Sir Thiyagaraya Road,
Pondy Bazar, T.Nagar,
Chennai - 600 017

... Petitioner in All Cases

Vs.

1. The Additional Chief Secretary to Government
Revenue Department,
St. George Fort,
Secretariat,
Chennai - 600 009.
2. The Commissioner for Land Administration,
Chepauk,
Chennai - 600 005.
3. The District Collector,
Chennai Collectrate,
Singaravellar Maligai,
Chennai - 600 001.
4. The District Collector,
Kancheepuram Collectrate,
Kancheepuram.
5. The Special District Revenue Officer (L.A)
Chennai Airport Expansion Scheme
Sriperumbudur (i) Alandur

... Respondents in All WPs

Common Prayer:-

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue Writs of Certiorarified Mandamus to call for the records of acquisition proceeding in Na.Ka.A1/50560/2007 dated 03.11.2018 notice issued by 4th respondent in respect of property situated at Kolapakkam Village, Sriperumbudur Taluk, present Pallavaram Taluk, Kancheepuram District, respectively comprised in S.No.358/3, 358/4, 358/5, 358/6 for total extent of 1 acres 20 cents; S.No.357/1, 357/2, 358/1, 358/2 for total extent of 2 acres 79 cents; S.No.360/3, 366/1, 366/2, 366/3 for total extent of 2 acres 36 cents; S.No.367/1, 367/2, 367/3 for total extent of 63 cents; S.No.368/1A, 368/B, 368/1C for total extent of 90 cents; S.No.368/2A, 368/2B, 368/2C for total extent of 1 acres 29 cents; S.No.368/3, 368/4, 358/5 & 370/2A2 for total extent of 4 acres 32 cents; S.No.370/2B for total extent of 72 cents, respectively. on the file of the respondents and quash the same and consequentially direct the 4th, 4th, 3rd, 4th, 4th, 4th, 4th & 3rd Respondent respectively to re-determine the compensation payable to the petitioner in accordance with law.

For Petitioner : Mr.P.S.Raman,
Senior Counsel,
for Mr.M.Anandaraj

For Respondents : Mr. C.Thirumaran
Special Government Pleader.

COMMON ORDER

These writ petitions have been filed challenging the award enquiry notice issued by the fourth respondent - District Collector, in respect of acquisition of lands for expansion of Chennai Airport.

2. According to the petitioners, vast extent of their lands were sought to be acquired for expansion of Chennai Airport, by the Airport Authority of India, under the Tamil Nadu Acquisition of Land for Industrial Purposes Act. After issuing notice under Section 3(1) of the Act, now the impugned notice has been issued by the fourth respondent asking the petitioner to appear for award enquiry. Earlier, challenging the notification issued under Section 3(1) of the Act, writ petitions in W.P.Nos.28740, 28741 & 467 of 2017 have been filed, and this Court by an order dated 23.01.2018, disposed the writ petitions with a direction to the authorities to treat the notification issued under Section 3(1) of the Act, should be treated as the one issued under the Central Act 30/2013, and to pass an award after issuing necessary notice to the petitioner after giving an opportunity of hearing in terms of Central Act 30/13 as

expeditiously as possible. That order has become final. Thereafter, the present notice has been issued by the fourth respondent directing the petitioners to appear for award enquiry. The grievance of the petitioners is that the fourth respondent has pre-determined the market value of the land and in the award enquiry notice itself, they have mentioned the market value of the property without even conducting any enquiry, and without considering the petitioner's objection regarding the market value of the property.

3. Mr.P.S.Raman, learned Senior Counsel appearing for the petitioner would submit that the fourth respondent cannot pre-determine the market value of the property without even conducting enquiry and affording opportunity to the petitioners to put forth their objection and to produce the materials regarding the market value of the property.

4. Mr.C.Thirumaran, learned Special Government Pleader, appearing for the respondents, on instructions, submitted that it is only an award enquiry notice. Now, the petitioners could appear before the fourth respondent and submit their objections. If the petitioners want to produce any documents to substantiate their claims, an opportunity may be given to the petitioners to appear before the fourth respondent and submit their objection. The learned Special Government Pleader also submitted that now draft proposal has been sent to the Government for approval, and it is pending.

5. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. The notice impugned in the writ petition is only an award enquiry notice, it is always open to the petitioner to approach the fourth respondent and submit their objections regarding the market value of the property and any other objections available under law, without doing so, the petitioner cannot challenge the notice itself. In the above circumstances, the petitioners are directed to appear before the fourth respondent on 25.02.2019, and submit their objections and also produce relevant materials to substantiate their claims regarding the market value. On filing such objection, and the fourth respondent is directed to consider the objections submitted by the petitioner while passing the award.

7. With the above directions, all the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp

To

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Secretariat,
Chennai - 600 009.
2. The Commissioner for Land Administration,
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5. The Special District Revenue Officer (L.A)
Chennai Airport Expansion Scheme
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+2ccs to Mr.M.Anandaraj, Advocate, S.R.No.9324

+1cc to the Government Pleader, S.R.No.9759

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RV (Co)
CS/11/03/2019