

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 15.03.2019****CORAM:****THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE****W.P.[MD]No.6067 of 2019**

C.Kasthuri

: Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Special Tahsildar,
Airport Extension,
Madurai - 625 020.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to complete the proceeding as per first respondent's communication Na.Ka.No.3715/2009/P1 dated 16.02.2009 and to pay entire compensation with solatium, interest and other lawful amount, if any, to the petitioner, in the light of the Right to Fair Compensation Act, Act-10/1999 for Industrial Purpose, Land Acquisition Provisions, prevailing market rate etc., within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.M.Rajarajan
Government Advocate**O R D E R**

The instant writ petition has been filed for a Mandamus to direct the respondents to complete the proceedings as per the first respondent's communication dated 16.02.2009 and to pay the entire compensation with solatium, interest and other lawful amount, if any, in the light of Right to Fair Compensation Act, Act-10/1999 for industrial purpose, Land Acquisition Provisions, prevailing market rate. etc., within the period stipulated by this Court.

2.It is the case of the petitioner that pursuant to a notification dated 16.02.2009, his lands in S.No.464/5, Plot No.20 to an extent of 1697 ½ Sq.ft. and Plot Nos.21, 22 & 23 to an extent of 3748 ½ Sq.ft. in Ayanpapakudi Village, Madurai South Taluk, Madurai, situated within 1½ kilometers of Madurai Airport were acquired by the respondents. According to the petitioner, even after the lands were acquired as in the year 2009, compensation has not been paid to the petitioner. According to him, he gave a representation to the first respondent on 19.05.2017 and requested



them to fix the compensation at Rs.4,00,000/- per cent, as per the prevailing market value. Along with the representation, he has also submitted a copy of the Registration Document bearing No.2177 of 1998 dated 08.05.1998, wherein the market rate per cent was Rs.2,10,000/-.

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3. Thereafter, the petitioner filed a writ petition before this Court in W.P.(MD)No.17642 of 2017 for a Mandamus directing the respondents to consider the representation made by the petitioner on 19.05.2017. This Court by its order dated 19.05.2017 in W.P.(MD) No.17642 of 2017 directed the respondents to consider the representation dated 19.05.2017 submitted by the petitioner and directed them to pass suitable orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of that order in the light of the communication of the first respondent dated 16.02.2009.

4. Since the respondents did not comply with the order dated 19.09.2017 passed in W.P.(MD)No.17642 of 2017, the petitioner issued a contempt notice to the respondents on 30.01.2018. By their reply dated 19.03.2018, the respondents informed the petitioner that effective steps for deciding and disbursement of the compensation were being taken by them. Thereafter, the petitioner gave another representation dated 30.07.2018 for which the second respondent sent a communication dated 24.08.2018 requesting the petitioner to submit all the original documents for scrutiny. Since no action was taken by the respondents, the petitioner filed contempt petition namely CONT.P(MD)No.48 of 2019 for the alleged disobedience of the order dated 19.09.2017 passed by this Court in W.P.(MD)No.17642 of 2017. The contempt petition was closed by order dated 11.01.2019 stating that a comprehensive order was passed for the payment of compensation.

5. It is the case of the petitioner that no compensation was paid to him. Even though by communication dated 19.03.2018, the respondents have informed the petitioner that compensation claim of the petitioner is under consideration before the Commissioner of Land Administration and as soon as his consent is received, the compensation will be paid.

6. It is also the case of the petitioner that similarly placed owners of the lands in the same area have been paid their compensation. But the petitioner alone has not been paid his compensation. In all those cases, awards have been passed and compensation has been paid to the land owners. According to the petitioner, the respondents have deliberately omitted to pay the petitioner on par with other adjoining land owners, whose lands have also been acquired. In such circumstances, the petitioner has filed the instant writ petition.

Advocate for the respondents.

8. There is no dispute that the aforesaid lands of the petitioner have been acquired by the respondent for expansion of the Madurai Airport. It is also not in dispute that only pursuant to the notification dated 16.02.2009, lands were acquired for Industrial Purpose in the light of Right to fair Compensation Act, 10/1999. As seen from the averments contained in the writ petition, several representations were made by the petitioner requesting the respondents to pass compensation award for the lands acquired belonging to the petitioner. It is also seen from the averments that similarly placed persons whose lands have been acquired have been paid the compensation and they have also been paid only belatedly. The acquisition of lands under Industrial Purpose Act, 10/1999 contemplates determination of compensation within a period of six months under section 7(11) of the Act. In the instant case, more than ten years have elapsed since the notification was issued by the respondents for acquisition of the petitioner's lands. But, till date compensation has not been paid. Therefore, there is merit in the prayer sought for in this writ petition.

9. In the result, the respondents are directed to complete the acquisition proceedings in respect of the petitioner's lands and pass an award determining the compensation payable to the petitioner and pay the same to the petitioner within a period of six (06) weeks from the date of receipt of a copy of this order. With the aforesaid direction, the **Writ Petition is disposed of.** However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

MR

To

1.The District Collector, Madurai District,
Madurai - 625 020.

2.The Special Tahsildar, Airport Extension,
Madurai - 625 020.

+1CC TO MR.A.HAJA MOHIDEEN, Advocate Sr. No.54784

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 56751

ORDER MADE IN
W.P. [MD] No. 6067 of 2019
15.03.2019