

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.07.2019****CORAM****THE HON'BLE MR.JUSTICE R.SURESH KUMAR**

WEB COPY

W.P. (MD) Nos.16113, 16115, 16117, 16119, 16120, 16122 and 16124 of 2019

B.Elangovan	...Petitioner in WP(MD) No.16113 of 2019
P.Jacinth Pravina	...Petitioner in WP(MD) No.16115 of 2019
R.Francis	...Petitioner in WP(MD) No.16117 of 2019
P.Jasmine Preethi	...Petitioner in WP(MD) No.16119 of 2019
S.Sridevi	...Petitioner in WP(MD) No.16120 of 2019
c.Robert James Ponniah	...Petitioner in WP(MD) No.16122 of 2019
D.Pragadeesh	...Petitioner in WP(MD) No.16124 of 2019

-Vs-

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

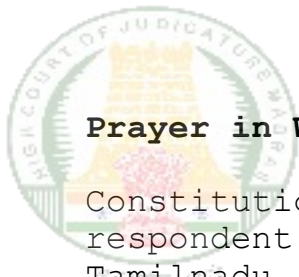
2.The Special Tahsildar (LA)
Airport Extension Office Unit-I,
Madurai-625 020.

...Respondents in all Cases

Prayer in WP(MD)No.16113 of 2019: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to refer petitioner's petition dated 07.06.2019 U/s-8 of the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997, Tamil Nadu Act 10 of 1999 to the Court to determine the enhanced compensation for the acquisition of petitioner's land in Survey No.455/2A1A an extent of 2437.1/2 Sq.ft., including the house property, within the period stipulated by this Court.

Prayer in WP(MD). 16115/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent to refer the petition dt.26.06.2019 U/s.8 of Tamilnadu Acquisition of Land for Industrial Purpose Act, 1997, Tamilnadu Act 10 of 1999 to the Honourable Court to determine the enhanced compensation for the acquisition of petitioner land in Survey No.457/1A11 in Plot NO.E4, totally 1521 sq.ft within the period of stipulated by this Hon'ble Court.



Prayer in WP(MD) . 16117/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent to refer petitioners petition dt.26.06.2019 U/s.8 of Tamilnadu Acquisition of Land for Industrial Purpose Act, 1997, Tamilnadu Act 10 of 1999 to the Honourable Court to determine the enhanced compensation for the acquisition of petitioner land in Re Survey No.465/1 admeasuring 27 1/2 cents and survey NO.465/1, 13 cents within the period of stipulated by this Hon'ble Court.

Prayer in WP(MD) . 16119/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent to refer petitioners petition dt.26.06.2019 U/s.8 of Tamilnadu Acquisition of Land for Industrial Purpose Act, 1997, Tamilnadu Act 10 of 1999 to the Honourable Court to determine the enhanced compensation for the acquisition of petitioner land in bearing Sy.No.457/1A11 in Plot No.E5 totally 1521 sq.ft

Prayer in WP(MD) . 16120/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent to refer petitioners petition dt.26.06.2019 U/s.8 of Tamilnadu Acquisition of Land for Industrial Purpose Act, 1997, Tamilnadu Act 10 of 1999 to the Honourable Court to determine the enhanced compensation for the acquisition of petitioner land in Sy.NO.465/3, now UDR Sy.NO.465/3AB out of 41 cents northern 20 1/2 cents (8938 sqft), within the period of stipulated by this Hon'ble Court.

Prayer in WP(MD) . 16122/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent to refer petitioners petition dt.26.06.2019 U/s.8 of Tamilnadu Acquisition of Land for Industrial Purpose Act, 1997, Tamilnadu Act 10 of 1999 to the Honourable Court to determine the enhanced compensation for the acquisition of petitioner power principle land in bearing Survey No.457/1A11, Plot No.E6, Totally 1521 sq.ft., within the period of stipulated by this Hon'ble Court.

Prayer in WP(MD) . 16124/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent to refer petitioners petition dt.13.06.2019 U/s.8 of Tamilnadu Acquisition of Land for Industrial Purpose Act, 1997, Tamilnadu Act 10 of 1999 to the Honourable Court to determine the enhanced compensation for the acquisition of petitioner land in Survey No.455/2A1A an extent of 2347.1/2 sq.ft., including the house property, within the period of stipulated by this Hon'ble Court.



For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.M.Rajarajan
Government Advocate in all Cases

COMMON ORDER

WEB COPY

The prayer in all these writ petitions is for a Writ of Mandamus, directing the 1st respondent to refer petitioners' respective petitions filed U/s.8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, Tamil Nadu Act 10 of 1999 to the concerned Court to determine the enhanced compensation for the acquisition of petitioners' respective land, within the period stipulated by this Court.

2.Heard Mr.A.Haja Mohideen, learned counsel appearing for the petitioners and Mr.M.Rajaran, learned Government Advocate appearing for the respondents.

3.By consent of both sides, all these writ petitions are taken up for final disposal at the admission stage and accordingly, are disposed of by this common order.

4.The learned counsel appearing for the petitioners submitted that, the said request made by the respective petitioners under Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as the 'Act') is still pending with the first respondent/District Collector, who is supposed to refer the matter to the competent Civil Court to decide the enhancement of compensation and therefore, these petitioners are seeking for a mandamus by approaching this Court. He also relied upon the similar order passed by this Court in a batch of W.P(MD). Nos.13427 to 13439 of 2019, dated 14.06.2019.

5.I have heard the learned Government Advocate appearing for the respondents, who would submit that, since the number of persons' lands have been acquired for public purpose under the said Act, steps have already been taken by the first respondent/District Collector to refer the matter to the competent civil Court for enhancing the compensation and in this regard, on 18.07.2019, number of matters, which are similar in nature, have already been referred to III Additional Subordinate Court, Madurai and certainly, these cases of the petitioners would also be included for such reference.

6.I have considered the said submissions made by both sides. If the petitions made by the petitioners herein, have already been referred on 18.07.2019 by the first respondent/District Collector as submitted by the learned Government Advocate, the petitioners can work out their remedy by approaching the concerned civil Court and if the same has not been referred so far, there shall be a direction to that effect to the respondent ie., the first respondent/District Collector to refer the matter under Section 8 of the Act to the competent Court to decide the plea of the respective petitioners for



enhancing compensation and such an exercise of reference shall be made by the first respondent/District Collector, within a period of two weeks from the date of receipt of a copy of this order.

7. With these directions, these Writ Petitions are ordered accordingly. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2. The Special Tahsildar (LA)
Airport Extension Office Unit-I,
Madurai-625 020.

+1 CC to Mr. A. HAJA MOHIDEEN, Advocate SR-76276.
+1 CC to SPL GP SR-76647.

Order made in
W.P. (MD) Nos. 16113, 16115, 16117,
16119, 16120, 16122 and 16124 of 2019

CS(06.09.2019) 4P 5C