

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 7073 of 2020

and

W.M.P. No. 8429 of 2020

M.Buvaneswari

... Petitioner

Vs.

1. The Collector,
Kancheepuram District,
Kancheepuram.

2. The Special Tahsildar,
Land Acquisition,
Sipcot, Unit - 3,
Sriperampudur Extension Scheme - 2,
Sriperampudur.

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the notice in Na.Ka.No. 12/2010/A/Block - 7 dated 15.02.2020 on the file of the first respondent and quash the same.

For Petitioner : Mr. S.Doraisamy

For Respondents 1-3 : Mr. D.Raja
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the notice issued by the first respondent on 15.02.2020 calling upon the petitioner to attend for enquiry for the purpose of determining the compensation payable for the lands acquired under Tamil Nadu Acquisition of land for Industrial Purpose Act, 1997.

2. The notice issued by the respondents has been mainly challenged on the ground that the compensation is being fixed after nearly ten years and that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, came into force and according to this enactment, if the compensation has not been paid within a period of twelve months from the date of publication, the entire land acquisition proceedings will stand lapsed. Therefore, the petitioner is questioning the notice issued by the respondents calling for an enquiry to fix the compensation.

3. Heard S.Doraisamy, learned counsel appearing on behalf of the petitioner and Mr. D.Raja, learned Additional Government Pleader, appearing on behalf of the first to third respondents.

4. The ground taken by the petitioner in the present Writ Petition cannot be sustained since the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, will not apply to the lands which are acquired under Tamil Nadu Acquisition of land for Industrial Purpose Act, 1997. The same is clear from a reading of Section 105 of the Act read with fourth schedule. Even though the same was struck down by the Division Bench of this Court, the Act has been revived after getting assent with effect from 27.09.2019.

5. In view of the same, the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, will not apply in the present case.

6. The determination of compensation can be done only in accordance with Section 7 of Tamil Nadu Acquisition of land for Industrial Purpose Act, 1997. The competent authority to finally determine the compensation is the Collector under Section 7(5) of the said Act. Therefore the impugned notice issued to the petitioner is perfectly in line with the said Act and the petitioner has to necessarily attend the enquiry and produce the relevant documents to enable the respondents to proceed further with the determination of compensation.

7. Taking into consideration the delay that has happened in the fixation of compensation, there shall be a direction to the respondents to complete the enquiry and pass final award within a period of eight weeks from the date of receipt of copy of this order.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Collector,
Kancheepuram District,
Kancheepuram.
2. The Special Tahsildar,
Land Acquisition,
Sipcot, Unit - 3,
Sriperampudur Extension Scheme - 2,
Sriperampudur.

+lcc to Mr.S.Daraisamy, Advocate, S.R.No.24505

+lcc to the Government Pleader, S.R.No.24573

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and
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NMI (CO)
KKV/20/05/2020

सत्यमेव जयते

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