

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.11965 of 2020
and
WMP No.14696 of 2020

1 Mrs.S.Bharathy, W/o. Mr.Selvam
2 Mrs.Rani, W/o. Mr.Murugan
3 Mrs. Kanthammal, W/o. Mr.Chandiran
4 Mrs. Rani, W/o. Mr.Lingadurai
5 Mrs. Yuvaneswari, W/o. Marimuthu
6 Mrs. Chellammal, W/o. Elumalai
7 Mrs. VaraLakshmi, W/o. Mr.Ravi
8 Mrs. Indira, W/o. Govindraraaj
9 Mrs. Chinnammal, W/o. Mr.Kattan
10 Mrs. Sulochana, W/o. Mr.Vasu
11 Mrs. D.Rami, W/o. Devendiran ...Petitioners

Vs.

1 The State of Tamil Nadu
Rep by its Secretary to Government
Public Works Department,
Secretariat, Chennai - 600009.
2 The Commissioner of Land Administration
Ezhilagam, Chepauk,
Chennai - 600005.
3 The District Collector
Thiruvallur District
Thiruvallur.

- 4 The District Revenue Officer
Thiruvalluvar District
Thiruvallur.
- 5 The Special tahsildar (Land
Acquisition) Unit - IV
Kannankottai - Thervokandigai Reservoir Scheme
Gummidipoondi Taluk at Kavarapettai
Thiruvallur.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to pay the compensation for the acquired houses and house sites belonging to the petitioners comprised in survey Nos. 155/15-0.01.0 - 0.01.0 155/18-0.01.0 155/4 - 0.010 and 155/13-0.01.0 hectares situated at Viollage No.27 Karadiputhur village Gummidipoondi Taluk Thiruvallur District in terms of provisions of central Land Acquisition Act 30 of 2013 as given to similarly situated persons pursuant to order in W.A. No.1666 of 2018 of this Hon'ble Court and consequently, provide house sites with all benefits in terms of Secs.31 and 38 of Act of 2013 within time frame.

For Petitioners: Mr.N.Nithianandam

For Respondents: Mr.S.R.Rajagopal,
Additional Advocate General
assisted by
Mr.V.Anandha Moorthy,
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to pay the compensation to the petitioners with respect to the subject property in terms of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and in line with the earlier orders passed by the Hon'ble Division Bench of this Court in W.A.No.1666 of 2018 dated 14.12.2018.

2. Heard Mr.N.Nithianandam, learned counsel for the petitioners and Mr.S.R.Rajagopal, learned Additional Advocate General assisted by Mr.V.Anandha Moorthy, learned Additional Government Pleader appearing on behalf of the respondents.

3. The learned Additional Advocate General seriously opposed the claim made by the third and fifth petitioners on the ground that they are trespassers into the property and they are not entitled to claim for any compensation. The learned counsel

for the petitioners refuting the said submissions, claimed that there are sufficient documents to sustain the claim made by third and fifth petitioners. The learned counsel for the petitioners further submitted that the third and fifth petitioners can be given liberty to file an independent Writ Petition and work out their claim and this request is made considering the fact that the disputed claim of these two petitioners will eventually delay the compensation for other petitioners also.

4. The issue raised in the present Writ Petition is squarely covered by the earlier judgment passed by the Hon'ble Division Bench in W.A.No.1666 of 2018, dated 14.12.2018. Therefore, the petitioners, other than the third and fifth petitioners, in this Writ Petition, who are also similarly placed, are entitled for the compensation in terms of 2013 Act with respect to the subject property.

5. In view of the above, there shall be a direction to the fifth respondent to pass final award in terms of the 2013 Act and the direction given by the Hon'ble Division Bench in W.A.No.1666 of 2018, within a period of eight weeks from the date of receipt of a copy of this order. Pursuant to the award passed by the fifth respondent, the compensation shall be paid to the petitioners, other than the third and fifth petitioners, within a period of eight weeks thereafter.

6. These directions issued by this Court will confine itself to the petitioners other than the third and fifth petitioners.

7. This Writ Petition is disposed of with the above directions. Liberty is also granted to the third and fifth petitioners to file a fresh Writ Petition and work out their claim. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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Rep by its Secretary to Government
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Gummidipoondi Taluk at Kavarapettai
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1 CC to Mr.N.Nithianandam, Advocate sr 38070

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PP(CO)
SP(11/01/2021)



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