



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.26823 of 2019

1.N.Jegatheesan

2.N.Rajendran

3.N.Karthikeyan

... Petitioners

Vs.

1.The Secretary to Government of Tamilnadu
Industries Department
Fort St. George, Chennai.

2.The District Collector,
Madurai District, Madurai.

3.The Special Tahsildar (Land Acquisition)
Madurai Airport Extension, Unit II
Office of the District Collector,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to pay the compensation for the acquired lands comprised in S.Nos.324/1, 324/2, 326 and 327 a total extent of 16 acres 90 cents situated in Perungudi Village, South Taluk, (at present Tiruparankundram Taluk), Madurai District on the basis of market rate prevailing at present under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in accordance with law within the period prescribed by this Court or to release the petitioners' property above referred from the acquisition proceedings for the proposed extension of Madurai Airport.

For Petitioners

: Mr.Babu Rajendran

For Respondents

: Mr.VPM.Vaishnavi

Government Advocate

ORDER

This writ petition has been filed for a direction to the respondents to pay the compensation for the acquired lands comprised in S.Nos.324/1, 324/2, 326 and 327 a total extent of 16 acres 90 cents situated in Perungudi Village, South Taluk, (at present Tiruparankundram Taluk), Madurai District on the basis of market rate prevailing at present under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in accordance with law within the period prescribed by



this Court or to release the petitioners' property above referred from the acquisition proceedings for the proposed extension of Madurai Airport.

2. The case of the petitioners is that pursuant to the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, the petitioners' land was acquired for the purpose of extension of Airport, Madurai and compensation has also been fixed by the authorities. The petitioners raised objections stating that the compensation was very low. After multiplicity of proceedings, the final award has been determined by the 2nd respondent District Collector vide award dated 12.10.2020. Stating that the compensation is very low and for paying compensation for the acquired lands, the petitioners are before this Court with this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

4. I have perused the material available on record.

5. The learned counsel for the petitioners would submit that the award has been passed on 12.10.2020 and the compensation was determined at Rs.9,35,64,928/-. However, it is his contention that the calculation is wrong and the petitioners are entitled to much more compensation. He would further submit that since the petitioners cannot agitate the excess amount that may be determined to the petitioners, they may be permitted to withdraw the amount lying in the deposit pursuant to the award, without prejudice to their rights and to agitate before the appropriate authority/forum to claim the enhanced compensation.

6. In view of the submission made, the petitioners are permitted to withdraw the award amount lying in deposit without prejudice to the rights of the parties and agitate before the appropriate authority/forum for additional/enhanced compensation in the manner known to law.

7. With the above direction, the writ petition is disposed of. No costs.

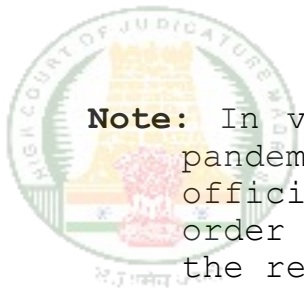
Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To:

- 1.The Secretary to Government of Tamilnadu
Industries Department
Fort St. George, Chennai.
- 2.The District Collector,
Madurai District, Madurai.
- 3.The Special Tahsildar (Land Acquisition)
Madurai Airport Extension,
Unit II
Office of the District Collector, Madurai.

+1CC to Mr.Babu Rajendran,Advocate,SR.No.24783 dated 10/12/2020

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