

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2021

CORAM : THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.Nos.3428 & 3446 of 2021
&WMP.Nos.3925 & 3948 of 2021

1.R.M.R.Ramesh ... Petitioner in WP/3428/2021
2.R.M.R.Janakiraman ... Petitioner in WP/3446/2021

Vs.

1. The Principal Secretary
Government of Tamil Nadu
Highways and Minor Port Department
Fort St.George
Chennai - 600 009.
2. The District Collector
Tiruvallur District
Tiruvallur.
3. Tamil Nadu Road Sector Project-II
Chennai - 600 032.
4. The Special District Revenue Officer (L.A)
Chennai Peripheral Ring Road Project
Ambattur Industrial Estate
Chennai - 600 058.
5. The Special Tahsildar
North Port Access Road (NPAR)
CPRR-Unit I, Ponneri - 601 204
Tiruvallur District.
6. The Tamil Nadu Road Development Company Ltd
Reptd. by its Directors
No.171, II Floor,
Tamil Nadu Maritime Board Building
South Kesavaperumalpuram
Pasumpon Muthuramalingam Road
(Near Greenways Road MRTS Station)
Raja Annamalaipuram
Chennai - 600 028. ... Respondents in both Wps

Prayer in WP/3428/2021 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent to conduct enquiry to fix the market price of the land sought to be acquired of the petitioner, being agricultural land, comprised in Wet Survey No.5, measuring to an extent of 7220 sq. metres(1.78½ acres) out of total extent of 1.47.5 Hectare (3.64 acres) and the

land comprised in Wet Survey No.7, measuring to an extent of 6613 sq.meters (1.63½ acres) out of total extent of 0.82.0 Hectare (2.02½ acres), totaling 3.42 acres of land strictly as per Sections 26 to 28 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and determine the compensation.

Prayer in WP/3446/2021 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent to conduct enquiry to fix the market price of the land sought to be acquired of the petitioner, being agricultural nanja lands, comprised in Wet Survey No.12/1, measuring to an extent of 4350 sq. metres (1.07½ acres) out of total extent of 1.79.5 Hectare (4.43 acres); Wet Survey No.12/2, measuring to an extent of 2500 sq. metres (0.62 acres) out of total extent of 0.32.0 Hectare (0.79 acres); Wet Survey No.12/3, measuring to an extent of 650 sq. meters (0.16 acres) out of total extent of 0.06.5 Hectare (0.16 acres), and Wet Survey No.12/4, measuring to an extent of 650 sq.meters (0.16 acres) out of total extent of 0.06.5 Hectare (0.16 acres), totalling 2.01½ acres of land, strictly as per Sections 26 to 28 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and determine the compensation.

For Petitioner

In both WPs : Mr.R.Munuswamy

For R1 to R5

in both WPs : Mr.V.Anandamurthy
Additional Government Pleader

For R6

in both WPs : Mr.Sivavarthanan

COMMON ORDER

W.P.No.3428 of 2021

The properties of the petitioner in Survey Nos. 5 and 7 are being acquired under the provisions of the Tamil Nadu Highways Act, 2001, which is revalidated Vide Act 38 of 2019. The authorities held negotiation under Section 19(2) of the Act, but the parties could not arrive at a consensus. Therefore, for passing an award, necessary notices were issued to the petitioner under Section 19(5) of the Act.

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2.The properties of the petitioner in Survey Nos. 12/1, 12/2, 12/3 & 12/4 are being acquired under the provisions of the Tamil Nadu Highways Act, 2001, which is revalidated Vide Act 38 of 2019. The authorities held negotiation under

Section 19(2) of the Act, but the parties could not arrive at a consensus. Therefore, for passing an award, necessary notices were issued to the petitioner under Section 19(5) of the Act.

3. The petitioners have now come forward with these writ petitions requiring the Court to give direction to the Land Acquisition Officer to follow the principle in Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 13/2013).

4. Mr.V.Anandamurthy, learned Additional Government Pleader takes notice for the respondents 1 to 5 and made a statement on instructions that in terms of the notice issued under Section 19(5) of the Act, the petitioners have appeared before the Land Acquisition Authority, an enquiry indeed have taken place and award came to be passed on 20.01.2021. The compensation amount as determined by the authority has also been received by the petitioners. It is in this background, the present petitions came to be filed on 09.02.2021.

5. There are two parts to the case :

- (a) This Court is at a loss to understand as to where on earth the petitioners got an impression that the authorities may not follow the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 13/2013) and may not adopt the market value for determining the compensation. The affidavit does not disclose any material fact in this regard. A mere apprehension, howsoever strong it might be, may not be a ground to feed a cause for an action. Therefore, these petitions cannot be maintained.
- (b) If the statement of the learned Additional Government Pleader were to be accepted, (with regard to which, the learned counsel for the petitioners submits that he has no instructions), then again, nothing can survive in this case, for that which is required to be done by the authority has already been done. Either way, the petitions have to be dismissed, which this Court does now.

6. In the result, both the Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To:

1. The Principal Secretary
Government of Tamil Nadu
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Chennai - 600 009.
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(Near Greenways Road MRTS Station)
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Chennai - 600 028.

+2cc to Mr.R.MUNUSWAMY, Advocate, S.R.No.9479 & 9480.
+1cc to the Government Pleader, S.R.No.9943 & 9942.

PMK(CO)
CSR 29.03.2021

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