

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No. 6092 of 2021

1.D.Govindaraj
2.G.Santhamani
3.Damodharasamy
4.D.Vijayalakshmi
5.V.Navaneethakrishnan ... Petitioners

Vs.

1.The Government of Tamil nadu
Rep. by its Secretary,
Transport Department,
Fort St.George,
Chennai - 600 009.
2.The District Collector,
Coimbatore - 641 018.
3.The District Revenue Officer,
Coimbatore - 641 018.
4.The Special Tahsildar
Land Acquisition (Unit-3)
Coimbatore Airport Runway Extension,
Coimbatore. ... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing respondents 1 to 4 to pay the compensation to the petitioners, along with interest, as per the agreement dated 06.03.2018, in terms of the orders dated 18.08.2020 made in batch of writ petitions in W.P.No.2116/2017 by the Division Bench of this Court, considering the representation of the petitioners dated 03.02.2021 in respect of the lands of the petitioners in S.No.244/4B, Irugur Village, S.No.338/1 in Uppilipalayam Village, Site No.45 in S.No.326 in Uppilipalayam Village; Site No.41 in S.F.No.326 in Uppilipalayam Village, Site No.40 in S.F.No.326 in Uppilipalayam Village, S.No.241/1, Irugur Village, Unit-I/Block No.17, S.No.256/2C, Irugur Village, Coimbatore District, in accordance with law.

For Petitioners : Mr.V.M.Venkatramana

For Respondents : Mr.E.Manoharan

Additional Government Pleader

ORDER

This writ petition is filed for issuing a Writ of Mandamus, directing the respondents 1 to 4 to pay the compensation to the petitioners, along with interest, as per the agreement dated 06.03.2018, in terms of the orders dated 18.08.2020 made in batch of writ petitions in W.P.No.2116/2017 by the learned Division Bench of this Court, considering the representation of the petitioners dated 03.02.2021 in respect of the petitioner's land.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioner's lands were acquired under the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997. The acquisition proceedings were challenged in a batch of writ petitions in W.P.Nos.2116, 2709 and 13503 of 2017. The second respondent conducted meetings to negotiate on the quantum of compensation for the acquired land. Subsequently, the learned Division Bench of this Court based on the representation of the petitioners and on hearing the arguments of both sides, disposed of the writ petitions on 18.08.2020 by fixing compensation at the rate of Rs.900/- per square feet for rural area and again a sum of Rs.1,500/- for urban area. As against the Judgment of the learned Division Bench of this Court, an appeal has been filed with regard to the payment of compensation before the Supreme Court and the same was pending. The learned Division Bench of this Court directed the first and second respondents to disburse the compensation within a period of one month from 18.08.2020. A representation was made by the petitioners on 03.02.2021.

3. At the time of admission, the learned counsel for the petitioners submitted that this writ petition is filed by one of the land owner and that he was not a party to the earlier proceedings. The learned counsel for the petitioners submitted that several writ petitions have been filed and he also relied upon the order of the learned Single Judge dated 27.11.2020 in W.P.No.14541 of 2020. As per the order of learned Single Judge, the respondents 1 to 3 therein were directed to pay the compensation amount that was already agreed upon, to the petitioners. The petitioners were also directed to convey the property to the respondents by executing an appropriate document at the time of receiving the compensation. With regard to payment of interest, this Court observed that the payment of interest as decided by the Supreme Court, shall be payable to the petitioners. The time limit was also prescribed for payment of compensation. The learned counsel for the petitioners states that this writ petition also may be disposed of in tune with the judgment of the learned Division Bench of this Court as well as the order of the learned Single Judge of this Court.

admission". The learned counsel for the respondents sought time to get instructions regarding the claim of the petitioners since, the representation was submitted by the petitioners only on 03.02.2021.

5.This Court is of the view that the respondent can be directed to consider the representation of the petitiioners in tune with the judgment of the learned Division Bench of this Court and the order of the learned Single Judge passed in W.P.No.14541 of 2020 dated 27.11.2020 within a stipulated time.

6.This Court, without expressing any opinion on the merits of the petitioner's representation, directs the respondents to consider the representation submitted by the petitioners dated 03.02.2021 regarding compensation based on the judgment of the Division Bench of this Court and to dispose of the same in accordance with law, after giving opportunity to the petitioners and to any other interested person. The respondents shall disburse the compensation in tune with the judgment of the learned Division Bench of this Court and the order passed by the learned Single Judge in W.P.No.14541 of 2020 dated 27.11.2020 in case it is found that the petitioner is entitled to. This exercise shall be done by the respondents within a period of twelve weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

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Copy to

1.The Secretary,
Government of Tamil Nadu
Transport Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Coimbatore - 641 018.

3.The District Revenue Officer,
<https://hcservices.ecourts.gov.in/hcscservices/>
Coimbatore - 641 018.

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4.The Special Tahsildar
Land Acquisition (Unit-3)
Coimbatore Airport Runway Extension,
Coimbatore.

+lcc to Mr.V.M.Venkatramana, Advocate SR.No.20443

+lcc to Government Pleader, High Court, Madras SR.No.21016

W.P.No. 6092 of 2021

EV (CO)
GMY (26/04/2021)



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