



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.27967 & 30825 of 2016
and W.M.P.Nos.24128, 26701 & 26702 of 2016

1. B.Robinson
2. B.Edwin
3. B.Jayabalan
- 4.B.Athisayarajan

...Petitioners in
W.P.No.27967/2016

1. Selvakumar
2. V.T.S.Vijayakumar
- 3.S.Senthil Kumar

...Petitioners in
W.P.No.30825/2016

-Vs-

1. The Secretary to Government
Revenue Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Tasildhar,
Land Acquisition,
Thiruvallur.

... Respondents in
both WPs

Prayer in W.P.No.27967 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the respondents relating to notice issued by the third respondent under Section 19(3) read with 19(6) of the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002) in order No.5/2015, Nk.No.9250/2008/A1 on 05.10.2015 in Survey No.491/2A1B measuring an extent of 100 sq.mt or 1076.39 Sq.ft., at Tholluvaur Village, Thiruvallur Taluk, Thiruvallur District by quashing the same and by directing the respondents to grant compensation to the petitioners by invoking Sections 23,26,27,28,29 of the Right to Fair Compensation and



Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (30 of 2013) in Survey No.491/2A1B measuring an extent of 100 sq.mt or 1076.39 Sq.ft., at Tholluvur Village, Thiruvallur Taluk, Thiruvallur District.

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Prayer in W.P.No.30825 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the respondents relating to notice issued by the third respondent under Section 19(3) read with 19(6) of the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002) in Nk.No.9250/2015/A1 dated 09.06.2016 order No.5/2015 dated 31.08.2015 measuring an extent of 061 sq.mt or 657 Sq.ft., of land and building in survey No.493/1A1C2 Tholluvaur Village, Thiruvallur Taluk, Thiruvallur District by quashing the same and by directing the respondents to grant compensation to the petitioners by invoking Sections 23,26,27,28,29,30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (30 of 2013) measuring an extent of 061 sq.mt or 657 sq.ft., of land and building in Survey No.493/1A1C2 Tholluvur Village, Thiruvallur Taluk, Thiruvallur District.

For Petitioners
in both WPs : Mr.David Tyagaraj

For Respondents
in both WPs : Mr.Richardson Wilson
Government Advocate.

COMMON ORDER

These Writ Petitions have been filed to call for the records on the file of the respondents relating to notice issued by the third respondent under Section 19(3) read with 19(6) of the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002) in order No.5/2015, in respect of the petitioners' land situated at Tholluvaur Village, Thiruvallur Taluk, Thiruvallur District, and quash the same and by directing the respondents to grant compensation to the petitioners by invoking Sections 23,26,27,28,29,30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (30 of 2013) (herein after called as "the New Act").

2. Heard Mr.David Tyagaraj, learned counsel appearing for the petitioner, Mr.Richardson Wilson, learned Government Advocate appearing for the respondents in both the Writ Petitions.



3. The petitioners in both Writ Petitions have challenged the order No.5 of 2015 dated 05.10.2015 & 31.08.2015 respectively, issued under Section 19(3) of the Tamil Nadu Highways Act, 2001, determining interim compensation to the tune of Rs.4,67,841/- and Rs.4,72,661/- respectively, as per the old Act viz., Land Acquisition Act, 1984. The second respondent filed counter and stated that the petitioners have not raised any objections against the land acquired from them so far. In fact, on 03.06.2016 itself, the interim compensation of Rs.4,67,841/- and Rs.4,72,661/- respectively, determined under the existing procedure in vogue, were credited to their respective bank accounts. Further revealed that they have clearly indicated in the notice under Section 19(3) r/w Section 6 of the old Act that the additional compensation will be paid as per the new Act and they are entitled for compensation under the new Act.

4. In view of the above, the petitioners are entitled to have compensation under the new Act viz., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Accordingly, the third respondent is directed to pay the remaining compensation as per the New Act forthwith. It is made clear that if the third respondent already deposited the compensation, the petitioners are at liberty to withdraw the same.

5. With the above directions, both the Writ Petition stand disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rts

To

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



2. The District Collector,
Thiruvallur District,
Thiruvallur.

3. The Tasildhar,
Land Acquisition,
Thiruvallur.

+1cc to the Government Pleader, S.R.No.43014

W.P.Nos.27967 & 30825 of 2016 and
W.M.P.Nos.24128, 26701 & 26702 of 2016

RSV (CO)
CT (22/09/2021)