



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.15438 OF 2021

AND

W.M.P.NO.16358 OF 2021

Malleshwari

... Petitioner

.Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram - 631 501.
2. The Special District Revenue Officer,
(Land Acquisition),
Chennai Airport Extension Scheme,
Sriperumbudur,
Having office at Alandur,
Chennai - 600 116.
3. The Special Tahsildar (Land Acquisition),
Chennai Airport Extension Scheme,
Sriperumbudur,
Kancheepuram District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to fix the compensation amount as per the provision of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on the basis of prevailing market value and pay the compensation amount to the petitioner in respect of properties in S.No.548, S.No.547/1B, S.No.543, Manapakkam Village and S.No.340/3 of Kolapakkam Village, Pallavaram, Kancheepuram District within a time period fixed by this Court.

For Petitioner : Mr.M.V.Seshachari

For Respondent : Mr.Yogesh Kannadasan
Government Advocate



ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to fix the compensation amount as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on the basis of prevailing market value and pay the compensation amount to the petitioner in respect of properties in S.No.548, S.No.547/1B, S.No.543, Manapakkam Village and S.No.340/3 of Kolapakkam Village, Pallavaram, Kancheepuram District within a time to be fixed by this Court.

2. Heard, Mr.M.V.Seshachari, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents.

3. The land owned by the petitioner has been proposed for acquisition for Chennai Airport Extension Scheme. The petitioner was served with notice on 17.03.2020 to appear before the second respondent in order to collect the compensation amount for the acquisition of his land. On an earlier occasion, the petitioner was served with notice dated 14.08.2018 by the second respondent calling upon the petitioner to attend the award enquiry. It is also revealed that the compensation amount is being fixed as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The second respondent fixed the compensation at Rs.100/- per sq.ft. The husband of the petitioner appeared in the enquiry and submitted his written objections saying that he would like to produce the offer price and that he would not like to accept the offer proposed by the respondent and stated that they need more compensation according to the market value and requested to arrange for arbitration and fix high value.

4. The learned counsel for the petitioner would submit that the petitioner is ready and willing to receive the compensation as fixed by the second respondent under protest and to refer the award before either an Arbitrator or before the District Court, for enhancement. If the award passed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, it has to be referred before the District Court for reference. If the award passed under the Industrial Purpose Act, it has to be referred before the Arbitrator, for enhancement.

5. A perusal of the notice dated 14.08.2018, they fixed the compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Therefore, the second respondent is



directed to disburse the compensation amount, as per the award, to the petitioner on production of required documents within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the second respondent is directed to refer the award before the jurisdictional District Court for enhancement of compensation.

6. With the above direction, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The District Collector,
Kancheepuram District,
Kancheepuram - 631 501.
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(Land Acquisition),
Chennai Airport Extension Scheme,
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Having office at Alandur,
Chennai - 600 116.
3. The Special Tahsildar (Land Acquisition),
Chennai Airport Extension Scheme,
Sriperumbudur,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No.57852

W.P.NO.15438 OF 2021 AND
W.M.P.NO.16358 OF 2021

KG(CO)
PBS/15/12/2021