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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.33305 OF 2017 & 4798 OF 2018

AND

W.M.P.NOS.36743 & 36744 OF 2017

AND

W.M.P.NOS.5939 & 5940 OF 2018

1. Ramathal
2. Devaraj

... Petitioners in
W.P.No.33305 of 2017

1. N.Subramanian
2. K.Shanmugam
3. C.Krishnasamy
4. N.Arusamy
5. P.Murugesan

... Petitioners in
W.P.No.4798 of 2018

.Vs.

1. The State,
Represented 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 Airport Authority of India,
Rep. by its Chairman,
Rajiv Gandhi Bhavan,
Safdeen Jung Airport,
New Delhi - 110 003.
5. The Director of Airports,
Airport Authority of India,
Peelamedu, Coimbatore.

... Respondents in
both W.Ps



COMMON PRAYER:-

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to fix compensation amount at the rate of Rs.8 Lakhs per cent in accordance with Section 7 Sub Section 3 and 11 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 Tamil Nadu Act 2 of 2000 and accordance with Section 38, 105 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 along with interest under Section 12 and 100% solatium of the said Act, for the petitioners land at S.F.No.491 6 acres 10 cents and 494/1, 494, 7 acres 20 cents at Singanallur Village, Coimbatore District and also consider the representation of the petitioners dated 04.05.2016 and direct the respondents to disburse the lease rental amount from 11/01/2013 in W.P.No.4798 of 2018 and 11/01/2016 in W.P.No.33305 of 2017 to till this date.

For Petitioners : Ms.P.Bagyalakshmi
(in both W.P's)

For R1 to R3 : Mr.M.Muthusamy
(in both W.P's) Government Advocate

For R4 & R5 : M/s.A.Arul Mary
(in both W.P's)

COMMON ORDER

These Writ Petitions have been filed for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to fix compensation amount at the rate of Rs.8 Lakhs per cent in accordance with Section 7 Sub Section 3 and 11 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 Tamil Nadu Act 2 of 2000 and accordance with Section 38, 105 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 along with interest under Section 12 and 100% solatium of the said Act, for the petitioners land comprised in S.F.No.491 admeasuring to an extent of 6 acres 10 cents and in survey Nos. 494/1 and 494 admeasuring to an extent of 7 acres 20 cents situated at Singanallur Village, Coimbatore District and also consider the representation of the petitioners dated 04.05.2016 and direct the respondents to disburse the lease rental amount from 11.01.2013 to till this date.

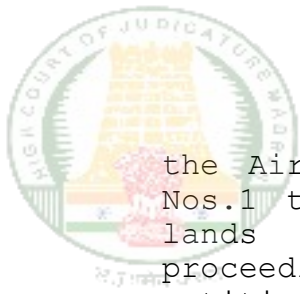


2. Heard, Ms.P.Bagyalakshmi, learned counsel appearing for the petitioners, Mr.M.Muthusamy, learned counsel appearing for the respondents 1 to 3 and Mrs.Arul Mary, learned counsel appearing for the respondents 4 & 5.

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3. The case of the petitioner is that the petitioners' grandfather one Arasa Gounder purchased the property comprised in survey No.494 situated at Singanallur Village, Coimbatore Taluk, by a registered sale deed dated 03.08.1904 vide document No.1234 of 1904 to an extent of 6.10 acres. He also purchased another property comprised in survey No.494 to an extent of 7.20 acres by a registered sale deed dated 11.05.1907. The revenue records stand mutated in his name and resurvey and settlement register of the Village of Singanallur stands in the name of Arasa Gounder. While being so, according to the petitioner, the fifth respondent trespassed into the property and put up the compound wall. The petitioners, who are the legal heirs of the said Arasa Gounder approached the fifth respondent and came to know that the lands were proceeded under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, for the purpose of expansion of runway of International Airport at Coimbatore. Insofar as the subject lands are concerned, no notice has been served to the petitioners or any other legal heirs of the said Arasa Gounder. Therefore, the petitioners are entitled for the lease amount fixed on the basis of the guideline value, such as Tripartite Agreement between the land owners, Airport Authority of India and the Government of Tamil Nadu.

4. A perusal of the counter reveals that the subject lands are within perimeter of the compound wall of the Airport from 1942 and does not fall under any pending land acquisition proceedings. The subject lands referred to in survey Nos.494/1, 494 were erstwhile paimash numbers of Singanallur Village. It has been classified as 'Poramboke for Aerodrome Landing Ground' by the Award dated 03.02.1942 in Award No.3 of 1942. Therefore, the petitioners are not the owners of the subject land, as the land was acquired by the Government long back in the year 1942. Now, it is absolutely vested with the fourth respondent. The paimash numbers were subsequently changed to survey Nos.1 and 4 in the resurvey records and in the Town Survey Land Register, Coimbatore Town records as Ward No.35 and Block No.1. The proceedings dated 07.02.2006 addressed by the fifth respondent to the second respondent herein with regard to the Land Plan Schedule under the land acquisition proceedings for an extent of 60.98 acres. The said document has no reference to the subject property. The extract taken from the Town Survey Land Register, Coimbatore Town records and as Ward No.35 and Block 1, refers to



the Airport Authority of India, as the title over the survey Nos.1 to 4. Therefore, there is no document to show that the lands are to be acquired for the current acquisition proceedings. The tripartite agreement referred by the petitioners dated 22.08.2006 is between the land owners whose lands are under lease of Airport Authority of India and the Government of Tamil Nadu. The said agreement or the payment of lease do not cover the lands in survey Nos.1 to 4, as claimed by the petitioner.

5. That apart, the subject land had been acquired in the year 1942. Now, after more than 70 years, they cannot re-open and ask for compensation. Therefore, these writ petitions are devoid of merits.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The 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 Chairman,
The Airport Authority of India,
Rajiv Gandhi Bhavan,
Safdeen Jung Airport,
New Delhi - 110 003.



5. The Director of Airports,
Airport Authority of India,
Peelamedu, Coimbatore.

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+2ccs to M/s.A.Arul Mary, Advocate, S.R.No.66061
+1cc to the Government Pleader, S.R.No.66627

W.P.NOS.33305 OF 2017 & 4798 OF 2018
AND W.M.P.NOS.36743 & 36744 OF 2017
AND W.M.P.NOS.5939 & 5940 OF 2018

PL (CO)
PBS/31/01/2022