



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.NOS.24111 & 24112 OF 2017 AND
WMP.NOS.25457 & 25458 OF 2017

WP.No.24111 of 2017

1.Nallammal
2.Shanmugam
3.Mohan Kumar

... Petitioners

Vs

The Special District Revenue Officer,
(Land Acquisition Officer),
Tamil Nadu Road Sector,
Project 2,
Salem
Prayer :-

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondent from in any manner taking possession of land in survey no.121/2 in Minnampalli Village, belonging to petitioners forming subject matter of notification issued under Section 15 (1) of the Tamilnadu Highways Act, 2001, published in Tamilnadu Government Gazatte (Extraordinary No.88, Part II, Section 2 dated 10.04.2015, without paying compensation / without following the due process of law.

For Petitioners : Mr.D.Vairamoorthy
for Mr.S.Senthil

For Respondent : Mr.Richardson Wilson,
Government Advocate

WP.No.24112 of 2017

Kanaga @ Kanagarathinam

... Petitioner

Vs

The Special District Revenue Officer,



(Land Acquisition Officer),
Tamil Nadu Road Sector,
Project 2,
Salem

... Respondent

WEB COPY
Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondent from in any manner taking possession of land in survey no.117/2B2 in Minnampalli Village, belonging to petitioner forming subject matter of notification issued under Section 15(1) of the Tamilnadu Highways Act, 2001, published in Tamilnadu Government Gazatte (Extraordinary No.88, Part II, Section 2 dated 10.04.2015, without paying compensation / without following the due process of law.

For Petitioner : Mr.D.Vairamoorthy
for Mr.S.Senthil

For Respondent : Mr.Richardson Wilson,
Government Advocate

COMMON ORDER

This writ petition in WP.No.24111 of 2017 is filed to issue a Writ of Mandamus forbearing the respondent from in any manner taking possession of land in survey no.121/2 in Minnampalli Village, belonging to petitioners forming subject matter of notification issued under Section 15(1) of the Tamilnadu Highways Act, 2001, published in Tamilnadu Government Gazatte (Extraordinary No.88, Part II, Section 2 dated 10.04.2015, without paying compensation / without following the due process of law. The writ petition in WP.No.24112 of 2017 is filed to issue a Writ of Mandamus forbearing the respondent from in any manner taking possession of land in survey no.117/2B2 in Minnampalli Village, belonging to petitioner forming subject matter of notification issued under Section 15(1) of the Tamilnadu Highways Act, 2001, published in Tamilnadu Government Gazatte (Extraordinary No.88, Part II, Section 2 dated 10.04.2015, without paying compensation / without following the due process of law.

2. The land comprised in survey No.121/2 and the land comprised in survey No.117/2B2, Minnampalli Village, Tiruchengode Taluk were acquired by the respondent for upgrading the Rasipuram Tiruchengode State Highways (SH-79-2) Road from Ponkurichi to Ilayampalayam under the Tamilnadu Highways Act,



2001 under the notification issued under Section 15(1) of the Tamilnadu Highways Act, 2001 dated 10.04.2015. It has been published in the Tamilnadu Government Gazatte. Thereafter, by the award dated 10.02.2017 in award No.36 of 2016-2017 in Roc.No.31/2014/A1, interim compensation was awarded and the additional compensation will be paid as per the provisions of the new Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 based on the executive instruction issued in GO(2D)No.12 Highways and Minor Ports (HN2) Department dated 31.12.2014 and GO.Ms.No.59 HW & MP Department dated 29.05.2014 as contemplated under Section 105A of the new Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. After implementation of the revalidation Act, 38 of 2019, GO.Ms.No.59 HW & MP Department dated 29.05.2014 become infructuous.

3. Therefore, the respondent is directed to pass final award under the new Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of six weeks from the date of receipt of copy of this order, if not already passed, and deposit the compensation amount in the manner known to law.

4. With the above direction, both the writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

The Special District Revenue Officer,
(Land Acquisition Officer),
Tamil Nadu Road Sector,
Project 2,Salem.

+2ccs to Mr.S.Senthil, Advocate, S.R.No.57265,57264

WP.Nos.24111 & 24112 of 2017

PMK(CO)
PM/26/11/2021