



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.930 of 2020

1.The Commissioner of Land Administration,  
Chennai.

2.The District Collector,  
Tirunelveli District.

3.The Special Tahsildar (Land Acquisition)  
River Linking Project,  
Unit III River Linking,  
Palayamkottai,  
Tirunelveli District.

... Appellants / Petitioners/  
Respondents 1 to 3

Vs.

1.G.Jebakumar Jebamani  
2.G.Jeba Rajan  
3.G.John Samuel  
Rep by his Power Agent,  
G.Jeba Rajan

... Respondents/Petitioners/Petitioners

**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent, praying to allow the appeal and set aside the order of this Court in Rev.Appln.(MD) No.92 of 2019 in W.P(MD) No.24818 of 2018, dated 11.11.2019, on the file of this Court.

**PRAYER IN REV.APL.W(MD)No.92 of 2019:**

Review Application is filed under order XLVII Rule 1 r/w Section 114 of C.P.C to review the order dated 02.01.2019 in WP(MD) No.24818 of 2018 passed by this Court.

**PRAYER in WP(MD). 24818/ 2018 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents herein to pay the arrears of compensation calculated as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Central Act 30 of 2013) as assured by the 2nd



respondent in his proceedings dated 02/09/2015 with applicable interest.

For Appellants : Mr.R.Baskaran  
Standing Counsel for Government

WEB COPY For R-1 : Mr.G.Mohankumar

For R-2 : Ms.R.Porkodi Karnan  
for M/s.Polax Legal Solutions

### JUDGEMENT

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[Judgment of the Court was made by **T.S.SIVAGNANAM, J.**]

This appeal filed by the Commissioner of Land Administration, Chennai, the District Collector, Tirunelveli and the Special Tashdilar (Land Acquisition), River Linking Project, is directed against the order passed in Rev.Appln.(MD) No.92 of 2019 in W.P(MD) No.24818 of 2018, dated 11.11.2019.

2.The respondents/writ petitioners prayed for issuance of a Writ of Mandamus to direct the appellants to pay the arrears of compensation by applying the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Central Act 30 of 2013) (hereinafter referred to as "the Central Act 30 of 2013") as assured by the second appellant vide proceedings dated 02.09.2015.

3. The contention advanced before the learned Writ Court was that already the writ petitioners had agreed for a compensation and they have received the entire money and executed a sale deed. The Writ Court examined the correctness of the said stand and found that when the Additional Chief Secretary and the Commissioner of Land Administration, passed the proceedings dated 17.04.2014, it was only a draft award proposal and it was made clear that it is an interim award. Thus, the award in terms of Section 11 of the Land Acquisition Act, 1894 was not passed and by that time the Central Act 30 of 2013 came into effect and in terms of Section 24 (1)(a) of the Central Act 30 of 2013, if the award is not passed under Section 11 of the Land Acquisition Act 1894 on or before 01.01.2014, the new Act will come into force and compensation has to be computed and paid in terms of the new Act.

4.Admittedly, in the instant case, the award was passed only on 02.09.2015. Considering this fact, the writ petition was allowed and direction was issued to apply the Central Act 30 of 2013. The



Review Application was filed before the learned Single Bench raising various factual issues. The learned Writ Court considered the same and issued the following directions:-

18. Therefore, the third review applicant is directed to conduct the enquiry and conclude the same within a period of 60 days from the date of receipt of a copy of this order, by applying the provisions relating to determination of compensation set out in Central Act 30 of 2013. After the compensation amount is quantified, the rights of the parties can be adjusted. If the award amount is more than the amount already paid to the land owners in terms of the private negotiation, the review applicants are bound to pay the same within a period of four weeks thereafter. If the award amount is lesser than what was already paid to the land owners, then of course the land owners will have to refund the said amount to the administration.

19. If both the parties stick to the time-line mentioned in this order, the question of paying interest by either of the parties will not arise.

This order is impugned in this appeal.

5. We find the order and direction issued by the learned Writ Court in the Review Application to be fair and reasonable and the legal principle being that the provisions of the Central Act 30 of 2013 would have been applicable to the case on hand, has been clearly brought out by the learned Writ Court. Therefore, we find that there is no error in the order passed in the Review Application.

6. For such reasons, the appeal fails and the same is dismissed. The direction is issued by the learned Writ Court in the Review Application shall be complied with, within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-

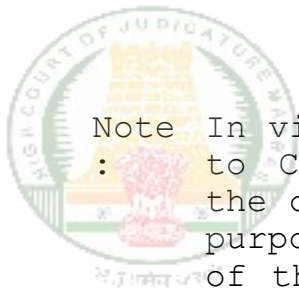
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/ /2021

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner of Land Administration,  
Chennai.

2.The District Collector,  
Tirunelveli District.

3.The Special Tahsildar (Land Acquisition)  
River Linking Project,  
Unit III River Linking,  
Palayamkottai,  
Tirunelveli District.

+1 CC to M/s.SPL GP ( SR-19168[F] dated 10/06/2021 )

+1 CC to M/s.POLAX LEGAL SOLUTION, Advocate ( SR-19142[F] dated 10/06/2021 )

**W.A. [MD]No.930 of 202**  
**08.06.2021**

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KK(23.06.2021) 4P 6C