



W.P.No. 5173 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 5173 of 2021

and

WMP.Nos. 5735, 5736, 5739, 5740 of 2021 and 13979 of 2022

1. Gowtham Housing (Private) Limited
Represented by its Managing Director A.S.Ilango

2. A.S. Ilango

3. A.M. Sambasivam

... Petitioners

Versus

1. The Commissioner of Land Administration
Office of the Commissioner of Land Administration
Chepauk, Chennai - 600 005.

2. The District Collector
& District Land Acquisition Officer
Coimbatore District Collector
Coimbatore.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the Circular of the Commissioner of Land Administration i.e., the first respondent made in his Circular M2/7304/2018, dated 16.10.2020 insofar as the Clause 4-Fixation of Land Value is concerned and the Notification issued by the District Collector, Coimbatore, the 2nd respondent herein under Section 4(1) of the RFCTLARR Act, 2013 insofar as the petitioners lands in Pannimadai Village, Coimbatore North Taluk, Coimbatore District, are concerned and quash the same being *ultra vires* of the provisions of RFCTLARR Act and Rules made thereunder and consequently to direct the second respondent to resort to acquisition and grant of compensation strictly in accordance with the provisions of the RFCTLARR Act and Rules made thereunder insofar as the petitioners lands are concerned.

For Petitioners : Mrs.Kaavya Silambanan

For Respondents : Mrs.Akila Rajendran
Government Advocate

: Mr.S. Saravanan
(For impleading respondent)



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ORDER

This writ petition is filed challenging the impugned Circular of the Commissioner of Land Administration i.e., the first respondent made in his Circular M2/7304/2018, dated 16.10.2020 insofar as the Clause 4-Fixation of Land Value is concerned and the Notification issued by the District Collector, Coimbatore, the 2nd respondent herein under Section 4(1) of the RFCTLARR Act, 2013 insofar as the petitioners lands in Pannimadai Village, Coimbatore North Taluk, Coimbatore District, are concerned and quash the same being *ultra vires* of the provisions of RFCTLARR Act and Rules made thereunder and consequently to direct the second respondent to resort to acquisition and grant of compensation strictly in accordance with the provisions of the RFCTLARR Act and Rules made thereunder insofar as the petitioners lands are concerned.

2. The case of the petitioner is that the petitioners have purchased the aforesaid lands at Pannimadai Village, Coimbatore District, measuring an extent around 36 acres to develop affordable housing as the petitioners are involved in developing housing projects. A notification (11940/2019/(F-4)), dated 21.10.2020 was issued by the



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second respondent/District Collector herein stating that the appropriate Government has given administrative sanction that a total of 3.84.56 hectares of land is required at Pannimadai Village in Coimbatore District for public purpose, namely, Pillur-III project for Coimbatore Corporation. The aforesaid lands referred above belonging to the petitioners herein have been included in the lands for acquisition. The notification dated 21.10.2020 referred above called for objections to the acquisition form persons interested within 60 days from the date of publication of the notification. Similarly, another notification was issued by the second respondent herein on the same lines made in Notification, dated 21.10.2020 with regard to the acquisition of 3.04.38 hectares of land in Kurudampalayam Village, Coimbatore North Taluk & District for the same public purpose, namely, Pillur-III Project for Coimbatore Corporation. Hence, the petitioners have approached the second respondent with regard to the aforesaid lands sought to be acquired in Kurudampalayam Village, Coimbatore District. Though the petitioners made several representations, more particularly dated 05.01.2021 and 01.02.2021 before the second respondent, the same have not been considered by the second respondent. Aggrieved by the same, the



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petitioners have come forward with the present writ petition under Article 226 of the Constitution of India.

3. Today, when the case was taken up for hearing, learned counsel appearing for the petitioners submitted that he has also produced a letter in Ref.No.11940/2019/F-4, dated 21.06.2022, wherein, it has been stated that the clarifications/details have been sought by the above land owners whose lands are covered under acquisition for Pillur-III drinking water scheme. The details are given as follows:-

"It is ascertained from TWAD that, the petitioner's land required for the construction of Master Storage Tank (MST) and pipeline in Pannimadai Village is revised as follows:-



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Notified		Revised	
S.F.No.	Extent in Sq.mts	S.F.No.	Extent in Sq.mts
363/3	5294	363/3	1425
366/1	2941	366/1	2941
367/1	1600	367/1	1600
367/2	880	367/2	880
366/2	463	366/2	463
360/3	11700	360/3	0
364/1	5600	364/1	5600
361/1F	359	361/1F	359
361/2C	489	361/2C	81
Total	29326		13349

With respect to request of the petitioner in Point No.2, it is clarified that, the land owners are permitted to use the pipeline road, which will be laid by the Tamil Nadu Water Supply and Drainage Board and maintained by the Corporation, for all purposes."

4. Taking into consideration the circular placed before this Court as also the submissions advanced by the learned counsel appearing on either side, this Court, without going into the merits of the issue permits the petitioner to file appropriate application for payment of



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compensation in terms with under Section 4(1) of the RFCTLARR Act, 2013, before the 2nd respondent/District Collector, Coimbatore, within a period of four weeks from the date of receipt of a copy of this order and on such application being filed the 2nd respondent is directed to consider the same and pass appropriate orders in accordance with law within a period of twelve weeks thereafter. The communication of the 2nd respondent with regard to usage of the land by the petitioners shall be adhered to in letter and spirit. Accordingly, the WP is disposed of. Consequently, connected MPs are closed.

17.08.2022

msm

To

1. The Commissioner of Land Administration
Office of the Commissioner of Land Administration
Chepauk, Chennai - 600 005.
2. The District Collector
& District Land Acquisition Officer
Coimbatore District Collector
Coimbatore.



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M.DHANDAPANI, J.

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