

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6761 of 2022

N.Damodharasamy

... Petitioner

Vs.

1. The Government of Tamil nadu,
rep.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 Director,
Airport Authority of India,
Coimbatore.
5. The Director,
Airport Authority of India,
Chennai.
6. The Special District Revenue Officer,
Land Acquisition,
Coimbatore Airport Runway Extension,
Coimbatore 641 018.
7. The Special Tahsildar,
Land Acquisition,
Coimbatore Airport Runway Extension,
Coimbatore 641 018.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus to direct the respondents to provide the access to the petitioner remaining land otherwise to acquire the petitioner remaining part of land situated at Uppilipalayam village, comprised in S.F.No. 326, Old S.F. No. 236/ 1, T.S.No. 24/1, measuring an

extent of 392 sq.ft and provide the compensation to the petitioner with consider the petitioner representation dated 16.11.2021.

For Petitioner : Mr.G.Saravanabhavan

For Respondents : Mr.Yogesh Kanndasan
Special Government Pleader

Order

This petition has been filed for issuance of writ of Mandamus to direct the respondents to provide access to the petitioner remaining land otherwise to acquire the petitioner remaining part of land situated at Uppilipalayam village, comprised in S.F.No. 326, Old S.F. No. 236/ 1, T.S.No. 24/1, measuring an extent of 392 sq.ft and provide the compensation to the petitioner by considering his representation dated 16.11.2021.

2. The case of the petitioner is that the petitioner has owned a land situated at Coimbatore District, Uppilipalayam Village, Annai Santhiya nagar, comprised in S.F.No.326, Old S.F.No.326/1, T.S.No.24/1, measuring an extent of 2400 sq.ft vide Partition Deed. The petitioner's land was acquired for the expansion of the Coimbatore Airport Runway and the acquisition proceedings were initiated under the Tamil Nadu Land Acquisition of Land for Industrial Purpose Act. It is alleged by the petitioner that from the total extent of 2400 sq.ft, part of his land in 2008 sq.ft was only acquired and the remaining land was not acquired and kept in his name and therefore, he filed a Writ Petition in W.P.No.6092/2021, wherein this Court directed to disburse the compensation to the petitioner. However, the petitioner has received the compensation only for his acquired land measuring an extent of 2008 sq.ft and he was not able to visit his remaining land and there is no access provided to his remaining land measuring an extent of 392 sq.ft. Hence, the petitioner made a representation to the respondents on 16.11.2021 to provide access to his remaining land or acquired his remaining part of land and till date no steps were taken. Hence, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that without access to the property, the petitioner is unable to enjoy his property and the value of his property is totally affected due to the land acquisition proceedings. However, the learned counsel for the petitioner has limited his prayer to the extent to consider his representation dated

16.11.2021, within a stipulated time frame.

4. The learned Special Government Pleader appearing for the official respondents has no objection for the said order being passed.

5. This Court vide its order dated 24.03.2022, adjourned the matter for getting instructions and in pursuant to the said order, the respondent namely, the Special District Revenue Officer (L.A), Coimbatore Airport Runway Extension, Coimbatore, vide its Report dated 11.04.2022, stating that the land of the petitioner was inspected by them and the request of the petitioner will be considered as per rules.

6. In view of the aforesaid report and considering the submission of the learned counsel appearing for the petitioner, this Court without expressing any opinion on the merits of the case directs the 6th respondent to consider the petitioner's representation dated 16.11.2021 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Transport Department,
Fort St.George,
Chennai 600 009.
2. The District Collector,
Coimbatore 641 018.
3. The District Revenue Officer,
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Land Acquisition,
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7. The Special Tahsildar,
Land Acquisition,
Coimbatore Airport Runway Extension,
Coimbatore 641 018.

+1cc to M/s.G.Saravanabhavan, Advocate, S.R.No.26117

+1cc to the Government Pleader, S.R.No.25933

W.P.No.6761 of 2022

PL(CO)
SU(26/04/2022)