



WP.No.34647/2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

WP.No.34647/2016 & WMP.No.29848/2016

- 1.Rangammal
- 2.Kaliappan
- 3.Duraisamy
- 4.Rajamani
- 5.Selvaraj

.. Petitioners

Vs.

- 1.The Land Acquisition Officer
Special Tahsildar, LA Unit-2
Bharathiar University
Coimbatore.

- 2.The Special Tahsildar [Land Acquisition]
Coimbatore Taluk, Balasundaram Road
Coimbatore-18.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to dispose of the representation of the petitioners dated 17.12.2014 at the earliest point of time to be fixed by this Court.



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For Petitioners : Mr.J.Pothiraj
For Respondents : Mr.T.Chandrasekaran
Special Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) This writ petition is filed for issuance of a writ of mandamus to direct the respondents to dispose of the representation of the petitioners dated 17.12.2014 at the earliest point of time to be fixed by this Court.
- (2) It is seen that the writ petitioners were the owners of certain extent of lands which were acquired for Bharathiyar University. Though an Award was passed in the year 1986 fixing compensation at the rate of Rs.50/- per cent, it is seen that several Land Acquisition Original Petitions were filed at the instance of the land owners. Though the petitioners' father was also shown as one of the claimants, it is stated that the claim petition in LAOP.No.94/1987 which was entertained



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at the instance of the petitioners' father is pending before this Court in an appeal and an extent of 9.35 acres belonged to the petitioners is not shown as part of the land acquired. In other words, it is contended by the petitioners that substantial portion of the land measuring an extent of 9.35 acres in S.No.142/3 though was acquired, the said extent was not shown in the Award. Since the compensation is not paid to the land owners, this Court presumes that possession is not taken. A serious prejudice is caused to the petitioners.

- (3) The respondents have not filed any counter.
- (4) In such circumstances, this Court is of the view that the writ petition has to be disposed of with the following direction.
- (5) Accordingly, the writ petition is **disposed of** and the 1st respondent is directed to consider the representation of the petitioners dated 17.12.2014 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the petitioners and submit a report to the Government within a period of four weeks from the date of passing



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of appropriate orders. In case, the 1st respondent comes to the conclusion that the said portion of the lands are not included in the Award or compensation is not paid to the petitioners, the land of the petitioners be released or compensation may be paid in terms of Act 30 of 2013 as stated under Section 24[1] of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Central Act 30 of 2013] as the case may be. In case no Award is passed in respect of the petitioners' lands, at the option of petitioners [i.e., if the petitioners agree], the respondents may pass fresh Award by fixing compensation for the said lands as provided under Act 30 of 2013 within three months. No costs. Consequently, connected miscellaneous petition is closed.

[SSSRJ] [GCSJ]
03.11.2022

AP
Internet : Yes



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To

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