



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14820 of 2020

Gowri Panchaksharam

...Petitioner

Vs

1. The Principal Secretary,
Government of Tamil Nadu,
Home (Police) Department,
Fort George, Chennai - 600 009.
2. Special Commissioner and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The District Collector,
Chengalpet District,
Anna Salai High Road,
Alagesan Nagar,
Varadharaja Nagar,
Chengalpet - 603 001.
4. The Principal Secretary,
Government of Tamil Nadu,
Public (Military) Department,
Fort George, Chennai - 600 009.
5. The Lieutenant Colonel,
Weapon Training Officer for Commandant,
Officers Training Academy,
St.Thomas Mount, Chennai - 600 016.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent herein to acquire the petitioner's patta agricultural lands situated in S.Nos.283/1, 283/2, 284/1 and 429 to an extent of 6 Acres and 94 cents in Hanumanthapuram Village, Thiruporur Taluk, Chengalpattu District for utilising the said lands by the fifth respondent and pay the compensation for acquisition or pay the damages for utilising of the ibid agricultural lands by the fifth respondent by considering the petitioner's representation dated 03.09.2020 within the stipulated time framed by this Court.



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For Petitioner : Mr.R.Rajesh
For Respondents : Mr.V.Rajesh
Government Advocate (for R1 to R4)
: Mr.K.Ramanamoorthy
CGSC (for R5)

ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the third respondent herein to acquire the petitioner's patta agricultural lands comprised in S.Nos.283/1, 283/2, 284/1 and 429 to an extent of 6 Acres and 94 cents, situated at Hanumanthapuram Village, Thiruporur Taluk, Chengalpattu District for utilising the said lands by the fifth respondent and pay the compensation for acquisition or pay the damages for utilising of the ibid agricultural lands by the fifth respondent, by considering the petitioner's representation dated 03.09.2020 within the stipulated time that may be framed by this Court.

2. The petitioner owned the lands comprised in S.Nos.283/1, 283/2, 284/1 and 429 of an extent of 6 Acres and 94 cents, situated at Hanumanthapuram Village, Thiruporur Taluk, Chengalpattu District. Since from the year 1963, the fourth respondent was in the habit of issuing Government Order for every three years authorizing the fifth respondent for carrying out field firing and artillery practice in the subject lands and other adjacent poramboke lands under Section 9(2) of the Maneuvers, Field Firing and Artillery Practice Act, 1938. Therefore, the petitioner could not do agricultural operations in her patta lands for the past three years. Though the petitioner is eligible for damages for utilization of the patta lands owned by the petitioner, the fifth respondent has provided that under Section 11 of the said Act, they have not paid any damages to the petitioner till date. Therefore, the petitioner made so many representations to the authorities concerned to pay compensation for the usage of his patta lands. Thereafter, the third respondent recommended to the first and second respondents for acquisition of the petitioner's land for the purpose of the fifth respondent. The second respondent also, by communication dated 08.09.2007, had recommended to the first respondent for the sanction of administrative approval and financial sanction for acquisition of the subject lands for permanent utilization for Field Firing Range at Hanumanthapuram Village. Even then, no action has been taken to acquire the subject lands and therefore, the petitioner approached the third respondent for damages and sought alternative lands.

3. The first to fourth respondents filed counter affidavit, from which, it reveals that, on receipt of the representations from the petitioner, after series of joint meetings along the



respondents 1 to 4 herein, it has been decided to acquire the lands of the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, the administrative sanction of the first respondent is required for initiating the land acquisition proceedings. In this regard, the consent of the requisitioning body, viz., the fifth respondent herein for providing adequate funds for payment of compensation to the land owners including the petitioner is required and in order to get the aforesaid consent for provision of funds, the third respondents has already sent communication to the fifth respondent by letter dated 20.12.2020 and thereby indicating the tentative land value for the lands proposed for acquisition. However, on receipt of the same, the fifth respondent is yet to convey his consent for the same.

4. The learned Central Government Standing Counsel appearing for the fifth respondent submitted that the fifth respondent has to get concurrence from the Union of India to give consent, as requested by the third respondent.

5. Considering the above facts and circumstances of the case, the fifth respondent being the requisitioning body, has to get consent from the Union of India for providing funds for the proposed acquisition of lands for the usage of Field Firing Practice under the Maneuvers, Field Firing and Artillery Practice Act, 1938, within a period of six weeks from the date of receipt of a copy of this order. On receipt of the same, the fifth respondent is directed to communicate the same to the third respondent within a period of two weeks thereafter. On receipt of the same, the third respondent is directed to initiate the acquisition proceedings in the manner known to law, within a period of four weeks thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Government of Tamil Nadu,
Home (Police) Department,
Fort George, Chennai - 600 009.



2. Special Commissioner and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

WEB COPY

3. The District Collector,
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5. The Lieutenant Colonel,
Weapon Training Officer for Commandant,
Officers Training Academy,
St.Thomas Mount, Chennai - 600 016.

+1cc to Mr.R.Rajesh, Advocate, S.R.No.2664

[26/04/2022]

+1cc to the Government Pleader, S.R.No.3016

W.P.No.14820 of 2020

NMI (CO)
KKV/02/02/2022