



W.P.No.19473 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.19473 of 2022
and W.M.P.No.18768 of 2022

1.Thiruvaragan Spintex Pvt., Ltd.,
Represented by its Director,
V.Navaneetha Krishnan

2.D.Rajeswari

... Petitioners

Vs.

1. The Principal Secretary,
Transport Department,
Secretariat, Chennai – 600 009.

2.The District Collector,
Coimbatore District Collectorate Building,
Coimbatore – 641 018.

3.The Special District Revenue Officer,
Coimbatore Airport Runway Expansion,
Coimbatore – 641 018.

4.Special Tahsildar,
Land Acquisition,
Coimbatore Airport Runway Expansion,
Collectorate Building,
Coimbatore – 641 018.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the 2nd respondent District Collector in the proceedings Na.Ka.No.126/2012/A1/Unit-1/Block 17 dated 30.06.2022 in passing the award and in proceeding Na.Ka.No.126/2012/A1/Unit-1/Block 17 dated 30.06.2022 in issuing Form G & E and the proceedings Ref.126/2012/A1/Alagu 1/Block 17 dated 30.06.2022 and quash the same consequently direct the second respondent to determine the compensation amount as Rs.1500/- with interest at the rate of 15% from 3(2) notice and solatium in accordance with the direction passed by this Hon'ble Court in W.P.No.11108/2017 and W.P.No.11109/2017 in order dated 26.10.2021 following Division Bench order in W.P.No.2116/2017 dated 18.08.2020 within a stipulated period.

For Petitioners : Mr.V.Bagyalakshmi

For Respondents : Mr.T.K.Saravanan,
Government Advocate

ORDER

The petitioner has filed this petition seeking for issuance of Writ of Certiorarified Mandamus calling for the entire records pertaining to the 2nd



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respondent District Collector in the proceedings Na.Ka.No.126/2012/A1/Unit-1/Block 17 dated 30.06.2022 in passing the award and in proceeding Na.Ka.No.126/2012/A1/Unit-1/Block 17 dated 30.06.2022 in issuing Form G & E and the proceedings Ref.126/2012/A1/Alagu 1/Block 17 dated 30.06.2022 and quash the same consequently direct the second respondent to determine the compensation amount as Rs.1500/- with interest at the rate of 15% from 3(2) notice and solatium in accordance with the direction passed by this Hon'ble Court in W.P.No.11108/2017 and W.P.No.11109/2017 in order dated 26.10.2021 following Division Bench order in W.P.No.2116/2017 dated 18.08.2020 within a stipulated period.

2. The case of the petitioners is that they purchased 0.62 acres of land in SF.No.241/1, 256/2B, 256/C, Avinashi Road, Chinnampalayam Road, Coimbatore in the name of the company and 2.44 acres comprised in SF.No.241/1, 256/2C in the name of the second petitioner. Then, they constructed factory building. Thereafter, the second respondent issued 3(1) notification under the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 to acquire the petitioners' land for the purpose of Coimbatore



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Airport Runway Expansion, however, compensation amount was not fixed for the same. Therefore, the petitioner filed a Writ Petition in W.P.Nos.11108 & 11109 of 2017 seeking for declaration of compensation amount and this Court by its order dated 26.10.2021 directed the respondents therein to declare the compensation by taking into consideration the similarly acquired land. Pursuant to the order of this Court, the second respondent fixed the compensation and issued a proceeding dated 30.06.2022. The adjacent land owners of the petitioners' land was given compensation of Rs.1500/-, whereas the petitioners' land was granted only a meagre amount as compensation. Aggrieved over the same, the petitioners' filed this writ petition.

3. Learned counsel for the petitioners would submit that the Land Acquisition Officer ought to have determined the compensation in terms of Section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, however, fixing meagre amount of compensation for the petitioners' land is not sustainable. In view of the above, this Court may issue direction to the second and third respondent to refer the matter for re-determination of compensation amount, in



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terms of Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, within a reasonable time as fixed by this Court.

4. Heard the learned counsel for the petitioners and perused the materials placed on record.

5. The facts in the present case is not in dispute. Admittedly, the petitioners' land was acquired under section 3(1) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 in the year 2020, however, the compensation amount was not determined by the Land Acquisition Officer/District Collector and the same was determined only in the year 2022. Though the petitioners have raised several issue for re-determination of compensation before this Court, however, there is a mechanism available under Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 to refer the matter for re-determination of compensation. Hence, rendering any opinion in the midst of the case would adversely affect the interest of the petitioner.



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6. In view of the consent view expressed by the petitioners' counsel, this Court without without expressing any opinion on the merits of the case, issues the following directions:

(i) the official respondents are directed to refer the matter before the Competent Civil Court for re-determination of compensation amount in terms of section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, within a period of four weeks from the date of receipt of a copy of this order.

(ii) upon such reference the Competent Civil Court is directed to determine the compensation in terms of Section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as expeditiously as possible.

(iii) the official respondents are further directed to disburse the compensation amount in favour of the petitioners, which was fixed on 30.06.2022, within a period of four weeks from the date of receipt of a copy of this order and the petitioners are directed to receive the compensation amount



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without prejudice to the rights.

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(iv) Further, this Court grants liberty to the petitioners' to raise all the issue before the Competent Civil Court and the Civil Court is directed to consider the same and pass appropriate orders as expeditiously as possible

7. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Note: Issue order copy on 14.11.2022

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Index : Yes/No

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M.DHANDAPANI,J.

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