



WEB COPY



WP.Nos.18675 to 18677 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.Nos.18675 to 18677 of 2018
and W.M.P.Nos.22024, 22026 & 22028 of 2018

1.G.Prabhakaran	
2.P.Bhanumathay	.. Petitioners in W.P.No.18675 of 2018
B.Jayanthi	.. Petitioner in W.P.No.18676 of 2018
G.Ravi	.. Petitioner in W.P.No.18677 of 2018

Versus

1.The Secretary to Government
Revenue Department
Government of Tamil Nadu
Fort St.George
Chennai - 600 009

2.The District Collector
Kanchipuram District
Kanchipuram

3.The Special Tahsildar (LA)
Tamil Nadu Urban Development Scheme III
Poonamallee, Chennai

.. Respondents in all cases

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the respondents relating to notice issued by the third respondent under section 19(3) read with 19(6) of the TamilNadu Highways Act 2001(TamilNadu Act 34 of 202) in award No.2 of 2016 in N.K.No.26951 / 2013 / F1 dated 04.02.2016 by quashing the same and by directing the respondents to pass a separate award in accordance with the Right to Fair



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compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (30 of 2013) as per the proportionate undivided share of land of 964 sq.ft belonging to the petitioner.

For Petitioners : Mr.David Tyagaraj (in all cases)
For Respondents : Mr.T.K.Saravanan (in all cases)
Government Advocate

COMMON ORDER

These writ petitions have filed challenging the notice issued by the third respondent under section 19(3) read with 19(6) of the TamilNadu Highways Act 2001(TamilNadu Act 34 of 202) in award No.2 of 2016 in N.K.No.26951 / 2013 / F1 dated 04.02.2016 by quashing the same and by directing the respondents to pass a separate award in accordance with the Right to Fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (30 of 2013) as per the proportionate undivided share of land of 964 sq.ft belonging to the respective petitioners.

2. The case of the petitioners are that their lands in S.No.253/1D, Kilkattalai Village situated at 37/8, Medavakkam Main Road, Madipakkam, Chennai were acquired under the Tamilnadu Highways Act, 2001. After following due procedures, award notice was issued under Section 19(3) and (6) of the Tamilnadu Highways Act, 2001 (hereinafter referred to as “Act”) and compensation amount was awarded under Section 23 and 24 of the Land Acquisition Act, 1894. The grievance of the petitioners are that the



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compensation should have awarded as per the Right to Fair Compensation and

Transparency in Land Acquisition Act, viz., Central Act No. 30 of 2013.

Despite the same, compensation has been awarded under Section 23 and 24 of the Land Acquisition Act, 1894. Challenging the said notices, these writ petitions.

3. The learned counsel for the petitioners seeks this Court to refer the matters under Section 20 of the Act before the competent Civil Court for redetermination of the compensation amount and further seeks liberty to canvass all the points including the applicability of the Central Act No. 30 of 2013 before the Civil Court.

4. The learned Government Advocate submitted that petitioners have not made applications for reference of their matters under Section 20 of the Act. If such applications are being made, the respondents shall pass appropriate orders.

5. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents and perused the materials placed on record.



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WEB COPY 6. Considering the facts and circumstances of these cases and having regard to the submissions of the learned counsel, this Court directs the petitioners to file applications before the respondents seeking for reference of their matters under Section 20 of the Act for determination of compensation within a period of 2 weeks from the date of receipt of a copy of this Order and the concerned respondent is directed consider such applications of the petitioners and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter. Further, it is made clear that if the petitioners' matters are referred before the competent Civil Court, liberty is granted to the petitioners to canvass all the points including the applicability of the Central Act No. 30 of 2013 before the Civil Court.

7. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.09.2022

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Index: Yes/No
Internet: Yes/No

M.DHANDAPANI, J.



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