

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.19183, 19184 and 21752 of 2014  
and  
MP.Nos.1 and 2 of 2014 in (W.P.No.19183 and 19184/2014)  
and  
M.P.No.2 of 2014 in W.P.No.21752 of 2014

K.Gajendran ...Petitioner in W.P.No.19183/2014  
P.Parasuraman ...Petitioner in W.P.No.19184/2014  
C.Ramesh ...Petitioner in W.P.No.21752/2014

Vs.

1. The Secretary, Public Works Department,  
Government of Tamil Nadu,  
Fort St.George, Chennai 600 009.
2. The Unit Special Tahsildar (LA1),  
Gummidipoondi T.K., Tiruvallur District.  
...Respondents in all petitions

COMMON PRAYER in W.P.Nos.19183 and 19184/2014: These Writ Petitions filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorari to call for the records of the 1<sup>st</sup> respondent relating to G.O.Ms.No.147, Public Works Department (K-1) dated 12.07.2013, published in Tamil Nadu Government Gazette Extraordinary No.206 Part II-Section 2 dated 15.07.2013, and consequential notification u/s.6 in G.O.Ms.No.203, Public Works Department (K-1), dated 26.08.2013, published in Tamil Nadu Government Gazette Extraordinary No.241 Part II Section 2 dated 26.08.2013 in respect of S.F.Nos.289/2A, 289/3 and 289/4 respectively and quash the same.

Prayer in W.P.NO.21852/2014: These Writ Petitions filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorari Calling for the records of the 1st Respondent relating to G.O.Ms.No.204 Public Works Department (K-1) dated 26.08.2013, published in Tamil Nadu Government Gazette Extraordinary No.241 Part II-Section 2 dated 26.08.2013 and

consequential notification u/s.6 in G.O.Ms.No.247 Public Works Department (K-1) dated 30.09.2013, published in Tamil Nadu Government Gazette Extraordinary No.286 Part II-Section 2 dated 30.09.2013 in respect of Survey Nos.173/2E, 175/10, 176/5, 176/6, 176/7, 176/11 and quash the same.

For Petitioner in all petitions : Mr.B.S.Jothiraman

For Respondents in WP.No.19184  
and 19183/2014

: Mr.V.Veluchamy  
Additional Government Pleader

For Respondents in W.P.No.21752/2014:

: Mr.R.P.Murugan Raja  
Government Advocate

#### Common Order

The issues involved in all these writ petitions are inter-connected and inter-related besides common arguments have been advanced in all these cases, therefore, by consent of counsel for both sides, these writ petitions are disposed of by this common order.

2. The petitioners in all the writ petitions herein are owners of agriculture lands measuring various extent situate in Kannankottai and Thervaikandigai Villages, Gummudipoondi Taluk, Thiruvallur District. According to the petitioners, even as early as in the year 2010, there was a proposal made by the respondents to acquire their lands for the purpose of formation of a new reservoir near Kannankottai and Thervaikandigai Villages. Even in the year 2012, officials of the Public Works Department have inspected their lands and informed that they are in the process of acquiring the lands for execution of the project. Therefore, the petitioners along with others have submitted a representation dated 09.09.2012 and requested to abandon the project as it would affect the livelihood of the entire Villagers. A further representation dated 10.09.2012 was also submitted to the Hon'ble Minister for Public Works Department to drop the proposal to acquire their lands. While so, after lapse of considerable time, the first respondent issued a notification under Section 4 (1) of The Land Acquisition Act, hereinafter called as The Act, on 12.07.2013 to acquire various hectares of lands of the petitioners in Kannankottai Village Block invoking the urgency provisions contained under Section 17 of the Act and to dispense with the enquiry under Section 5-A of the Act. The notification under Section 4 (1) of the Act was also published in the Government

Gazette on 15.07.2013. According to the petitioners, various other notifications in connection with the acquisition of lands have been issued on 29.05.2013, 31.05.2013, 18.06.2013, 15.07.2013, 18.07.2013, 25.07.2013 and 26.07.2013. Therefore, the land owners have jointly submitted a representation to the respondents followed by another representation dated 24.09.2013 suggesting that there are alternative lands on the other side of the lake belonged to the Government i.e., Southern side and those lands could be utilised for the purpose of executing the project. The respondents, without regard to the representations and request made by the land owners have proceeded further to implement the project and attempting to dispossess the petitioners from the land. Therefore, the petitioners have come forward with the present writ petitions.

3. The learned counsel appearing for the petitioners submitted that the very same notification was challenged by the other land owners in W.P.No.27597, 27762, 27847 of 2013 and this Court vide order dated 05.11.2014, dismissed the Writ Petitions. Against which, the petitioners have filed Writ Appeals before this Court in W.A.No.1735/2014 etc., batch and the Division Bench of this Court on 27.08.2015, had disposed of the Writ Appeal by observing that the appellants shall continue in peaceful possession of the lands in question till the entire compensation, after re-determination, is paid to them and subsequently the entire compensation was paid, however the award copy was not furnished till date. Therefore, the respondents may be directed to furnish the award copy to the petitioners to enable them to make representation to refer the award for determination of the compensation amount in terms of Section 18 of Act 1 of 1894 and 64 of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013.

4. The learned Government Advocate appearing for the official respondents has no serious objections for the said order being passed and submitted that the award copy would be furnished to the petitioners within a stipulated time as fixed by this Court.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. Considering the facts and circumstances, on an earlier occasion, similarly situated persons like that of the petitioners had approached this Court by way of W.P.Nos.27597, 27762, 27847 of 2013, challenging the very same notification and this Court vide order dated 05.11.2014 had dismissed the Writ Petitions and challenging the writ petition order, the petitioners have filed Writ Appeals before this Court in W.A.No.1735/2014 etc., batch and the Division Bench of this

Court on 27.08.2015, had disposed of the Writ Appeal by observing that the appellants shall continue in peaceful possession of the lands in question till the entire compensation, after re-determination, is paid to them and further it appears that the entire lands were taken over by the Government for the purpose of formation of a new reservoir near Kannankottai and Thervaikandigai Villages. Now the grievance of the petitioner is that the award copy was not furnished to the petitioners.

7. In view of the limited request sought for by the petitioners, this Court directs the respondents to furnish the award copy to the petitioners to enable them to seek reference before the Reference Court under Section 64 of Right to Fair Compensation and Transparency in Land Acquisition Act, 2013, within a period of two weeks from the date of receipt of a copy of this order and after receipt of the award copy, the petitioners shall make application within a period of two weeks from the date of furnishing of the award copy and furthermore, the reference procedure to be completed within a period of four weeks thereafter.

8. For all the above reasons, the writ petitions fail and they are dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary, Public Works Department,  
Fort St.George, Chennai 600 009.

2. The Unit Special Tahsildar (LA1),  
Gummidipoondi T.K., Tiruvallur District.

+1cc to Mr.B.S.Jothiraman, Advocate, S.R.No.24208

+1cc to the Special Government Pleader, S.R.Nos.24286, 24144

W.P.Nos.19183, 19184 and 21752 of 2014

AK-II(CO)

SU(04/05/2022)