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W.P.No.25495 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25495 of 2022

and

W.M.P.No.24496 of 2022

S.Devarajan

... Petitioner

Vs.

1.The Principal Secretary,
State of Tamil Nadu,
Transport Department,
Fort St.George, Chennai – 600 009.

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

3.The Revenue Divisional Officer,
Land Acquisition, Airport Authority of India,
Coimbatore Airport,
Collectorate Office,
Coimbatore – 641 018.

4.The Special Tahsildar,
Land Acquisition, Runway Airport Authority of India,
Collectorate Office Building,
Coimbatore District, Coimbatore – 641 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, directing the respondents 2 to 4 to



W.P.No.25495 of 2022

determine the compensation amount to the petitioner's land in S.F.Nos.672/1B, 673/1, 674/5 and 675/13 at Kalapatti Village, Coimbatore District under Act 30 of 2013 Section 26 to 30 of the Right to fair compensation and transparency in land Acquisition Rehabilitation and Resettlement Act 2013 or as per the terms of orders passed by the Division Bench Hon'ble Court in W.P.No.2116 of 2017 by order dated 18.08.2020 and dispose of this petitioner's representation dated 17.08.2022.

For Petitioner : Mrs.P.Bagyalakshmi

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

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 2 to 4 to determine the compensation amount to the petitioner's land in S.F.Nos.672/1B, 673/1, 674/5 and 675/13 at Kalapatti Village, Coimbatore District under Act 30 of 2013 Section 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) or as per the terms of orders passed by the Division Bench of this Court in W.P.No.2116 of 2017 by order dated 18.08.2020 and dispose of this petitioner's representation dated 17.08.2022.

2. The case of the petitioner is that the petitioner is the absolute



W.P.No.25495 of 2022

owner of the aforesaid properties, which was proposed to be acquired and

3(1) Notification was issued on 21.08.2014 under the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999). The grievance of the petitioner is that the second respondent/District Collector has not determined the compensation amount within a period of six months from the date of issuance of 3(1) Notification. Therefore, the petitioner made a representation dated 17.08.2022 before the respondents 2 to 4, seeking to determine the compensation amount in accordance with Act 30 of 2013. Since the said representation was not considered by the respondents 2 to 4, the petitioner filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that as per the new Act, the compensation amount has to be determined within a period of six months from the date of 3(1) Notification. However, 3(1) Notification was issued on 21.08.2014, and even after a lapse of eight years, the compensation amount was not determined and it is contrary to Article 300(A) of the Constitution of India. Accordingly, he prayed for passing appropriate orders.

4. The learned Government Advocate appearing for the respondents submitted that the compensation amount would be determined for the



W.P.No.25495 of 2022

acquired properties in terms of Section 7 of the Amended Act and taking into consideration of the Act 30 of 2013.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the materials available on record.

6. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the second respondent to determine the compensation amount for the subject lands acquired from the petitioner in terms of Section 7 of the Act read with Act 30 of 2013, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2022

Index : Yes / No

Speaking order: Yes/ No

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Note to Registry: Issue order copy on 04.11.2022



W.P.No.25495 of 2022

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W.P.No.25495 of 2022

M.DHANDAPANI, J.,

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W.P.No.25495 of 2022

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