



WEB COPY



W.P.No.28987 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.28987 of 2022
and W.M.P.No.28274 of 2022

1.P.Saravanan
2.B.Shanthi
3.P.Sundararajan
4.P.Lakshmi

...Petitioners

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.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 4 determine the compensation amount to the petitioner's land in S.F.No.666/2 and S.F.No.668/3 at



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G.K.R.Nagar Extension, 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 Settlement Act, 2013 or as per the terms of orders passed by the Division Bench of this Hon'ble Court in W.P.No.2116 of 2017 by order dated 18.08.2020 and dispose of the petitioner's representation dated 18.08.2022.

For Petitioner : Mr.P.Bagyalakshmi

For Respondents : Mr.Yogesh Kannadasan for R1
Special Government Pleader

: Mr.B.Vijay for R2 to R4
Additional Government Pleader

ORDER

The petitioner has filed this petition to direct the respondents 2 to 4 determine the compensation amount to the petitioner's land in S.F.No.666/2 and S.F.No.668/3 at G.K.R.Nagar Extension, 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 Settlement Act, 2013 or as per the terms of orders passed by the Division Bench of this Hon'ble Court in W.P.No.2116 of 2017 by order dated 18.08.2020 and dispose of the petitioner's representation dated 18.08.2022.

2.The case of the petitioners is that the land in S.F.No.666/2 and



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S.F.No.668/3 at G.K.R.Nagar extension, Kalapatti Village, Coimbatore, measuring an extent of 2508 Sq.ft. Is a self acquired property by their father namely K.Palanisamy by virtue of a registered Sale Deed No.2251 of 1994 dated 27.05.1994 on the file of SRO, Gandhipuram, Coimbatore. While so, the respondent issued a Notification under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as the 'Act, 1997') on 24.12.2012, for which the petitioner submitted his objection dated 24.02.2013. The respondent without considering the same, issued 3(1) notification on 03.12.2013 under the Act, 1997. Thereafter, the petitioner and the other neighbouring land owners were called for an enquiry and they came to know that the respondents have determined the compensation for the acquisition of the land, which is as per the petitioners very meagre. The said amount was determined by the State Level as well as the District Level Committee in their proceedings dated 06.01.2008. This Court in a batch of Writ Petitions in W.P.No.2116 of 2017 and etc batch, vide its order dated 18.08.2020, directed the respondents therein to pay the compensation amount with 9% interest from the date of 3(2) Notice. Thereafter, the petitioner made a representation dated 18.08.2022 to the respondents 2 to 3, to determine the compensation amount in terms of the above said order in the Writ Petition. However, the same was not considered and hence, the present Writ Petition is filed.



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3.Learned counsel for the petitioners submits that the petitioner is the owner of the property in S.Nos.666/2 and S.F.No.668/3 and the said land is acquired under the Act, 1997 and the Government issued 3(1) Notification on 03.12.2013. However, even after a lapse of ten years the compensation amount was not determined. The learned counsel for the petitioners would further submit that this Court may issue a direction to the respondents to determine the compensation amount in terms of Act 30/2013 and prayed for allowing the Writ Petition.

4. Learned counsels appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

5.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioners representation dated 18.08.2022, to determine the compensation amount in terms of Act 30/2013, if not already determined, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6.This Writ Petition is accordingly is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

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gba

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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,

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Land Acquisition, Airport Authority of India,
Coimbatore Airport,
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M.DHANDAPANI,J.

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