



WEB COPY



W.P.No.29669 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29669 of 2022

and

W.M.P.No.29056 of 2022

1.Jayakumar

2.Mithra

.. Petitioners

Versus

1.The Principal Secretary
The State of Tamil Nadu
Transport Department
Fort St.George, Secretariat
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 Aiport
Coimbatore Office, Coimbatore – 641 018

4.The Special Tahsildar
Land Acquisition, Airport Authority of India
Coimbatore Aiport
Coimbatore Office, Coimbatore – 641 018

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 2 to 4 to determine the compensation amount to the petitioner's land in S.F.No.666/2 and S.F.No.668/3 Site No. at GKR 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 and Resettlement Act, 2013 or as per the terms of the 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 this petitioner's representation dated 18.08.2022.

For Petitioner : Mr.P.Bagyalakshmi

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This writ petition has been filed seeking to direct the respondents 2 to 4 to determine the compensation amount to the petitioner's land in S.F.No.666/2 and S.F.No.668/3 Site No. at GKR 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 and Resettlement Act, 2013 or as per the terms of the 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 this petitioner's representation dated 18.08.2022.

2. According to the petitioner, he is the owner of the lands comprised in in S.F.No.666/2 and S.F.No.668/3 Site No. at GKR Nagar Extension, Kalapatti



W.P.No.29669 of 2022

Village, Coimbatore District. Further, the acquisition of lands were initiated under the Tamil Nadu Acquisition of Land for Industrial Purposes Act and notice under Sec.3(2) and notification u/s. 3 was issued on 24.12.2012 and 03.12.2013. Further, the second respondent had issued the notice calling upon the petitioner to appear for award enquiry and the petitioner appeared the enquiry and made objections to the second respondent. Hence, till date no award was passed. While so, during the year 2013, the Central Act No.30 of 2013, which is Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has come into operation with effect from 1.1.2014. The main grievance of the petitioner is that since 3 (1) notice was issued prior to the date of the said Central Act, it is only the Central Act that would have to be followed for determination of compensation and not the State Act. As the award is not passed till date, the petitioner made a representation to the respondents on 16.08.2022 which is pending without consideration till date. Hence, this petition.

3. Though very many grounds were raised, the learned counsel for the petitioner confines his prayer by seeking indulgence of this Court for a direction to the second respondent for considering the representation of the petitioner dated 17.08.2022 and pass award in terms of Central Act No.30 of 2013.



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4. The learned Additional Government Pleader has no serious objections with regard to the prayer of the petitioner.

5. Heard both sides and perused the materials placed on record. Considering the facts and circumstances of this case, this Court without going into the merits of the case is inclined to issue direction to the second respondent to consider the representation of the petitioner dated 17.08.2022 and pass award in terms of Central Act No.30 of 2013 in accordance with law within a period of twelve weeks on receipt of a copy of this order, if not already passed.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.11.2022

dhk

Internet: Yes/No

Index: Yes/No

M.DHANDAPANI, J.



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(1/2)