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WP.Nos. 11647 to 11651 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP. Nos. 11647 to 11651 of 2017

and

WMP. Nos. 12668 to 12675 of 2017

1. Suresh Achha

2. Sangeetha

... Petitioners in W.P.No.11647 of 2017

Asish Kumar Gupta

... Petitioner in W.P.No.11648 of 2017

H.Sadhana

... Petitioner in W.P.No.11649 of 2017

H.Sadhana

... Petitioner in W.P.No.11650 of 2017

1. M.Vimal Kumar

2. V.Prabha

...Petitioners in W.P.No.11651 of 2017

Versus

1 The Secretary to Government,
Industries Department,
Secretariat, Chennai 9.

2 The District collector,
Thiruvallur District.

3 The Special Tahsildar,
(Land Acquisition),
Chennai Petroleum Corporation Limited,

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WP.Nos. 11647 to 11651 of 2022

No.62/1, East Jones Road, Saidapet, Chennai-15.

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4. The Tahsildar,
Madhavaram Taluk,
Chennai-60.
5. The Superintending Engineer,
Transmission,
Tamil Nadu Electricity Board,
800, Anna Salai, Electricity Avenue,
Chennai-2.

... Respondents in all the petitions

Common Prayer:- Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of declaration declaring that acquisition of lands in respect of the petitioners herein pursuant to the land acquisition proceedings in G.O.Ms. No.264 Industries (MID-1) Department dated 16.07.1992 and section 6 declaration published in Tamil Nadu Government Gazatte No.30C Supplement Dated 29.07.1992 Part-II Section 2 at Page No.11 to 14 Award dated 05.08.1994 in Award No.04/ 1994 and consequential amendment in Letter No.25554/ MID 1/ 2003-2 dated 11.03.2004 has been lapsed in view of section 24 Clause 2 of the Right Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-settlement Act 2013.

For Petitioners : Mr. S.Ramesh Kumar (in all the petitions)

For Respondents : Mr. P.Sathish, AGP For RR1 to 4
Mr.L.Jai Venkatesh For R5
(in all the petitions)



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COMMON ORDER

Since the issue involved in all the matters and the facts are one and the same. Therefore, all the petitions are disposed of by way of common order.

2. All the writ petition have been filed for declaration declaring that acquisition of lands in respect of the petitioners herein pursuant to the land acquisition proceedings in G.O.Ms. No.264, Industries (MID-1) Department, dated 16.07.1992 and section 6 declaration published in Tamil Nadu Government Gazatte No.30C Supplement Dated 29.07.1992 Part-II Section 2 at Page No.11 to 14, Award dated 05.08.1994 in Award No.04/ 1994 and consequential amendment in Letter No.25554/ MID 1/ 2003-2 dated 11.03.2004 has been lapsed in view of section 24 Clause 2 of the Right Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-settlement Act 2013.

3. The case of the petitioners is that they are land looser. Challenging the acquisition proceedings, the petitioners came up before this



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Court. For the purpose of setting up of National Aromatics Complex in Saidapet Taluk, the respondents acquired the lands including the petitioners property. The third respondent issued notification under G.O.Ms.No.264 Industries (MID-1) Department, Dated 16.07.1992. Subsequent to that, a declaration under Section 6 was published in Tamil Nadu Government Gazatte No.30C, Supplement Dated 29.07.1992, Part-II, Section 2 at Page No.11 to 14 and later an award was also made on 05.08.1984 in Award No.04/1994. However, the compensation has not been paid to the petitioners and the possession has also not been taken from them. Therefore, these writ petitions have been filed for re-convey the land.

4. The learned counsel for the petitioners submitted that an award was passed and the compensation amount has not been paid to the petitioners and the possession has also not been taken from them. Thereafter, the entire land acquisition proceedings have been lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013. The learned counsel further submitted that this Court may permit the petitioners to make



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appropriate application before the Government for providing alternative place or return the land, which was owned by the petitioners.

5. The learned Additional Government Pleader appearing on behalf of the respondents has no objection for the contention raised by the respondents.

6. Heard, the learned counsel for the petitioners as well as the learned Government Counsel appearing for the respondents, and perused the materials available on record.

7. Considering the facts and circumstances of the case and in view of the limited request made by the petitioners, this Court permits the petitioners to make a application/petition before the respondents claiming alternative land for them along with all the relevant documents within a period of four weeks from the date of receipt of a copy of the order. Upon receipt of such representation, the concerned respondents shall consider the same and pass appropriate orders on merits and in accordance with law



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within a period of twelve weeks from the date of receipt of a copy of the representation.

8. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed. However, liberty is granted to the petitioners to work out their remedy in the manner known to law.

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Index:Yes/No

Internet:Yes/No

Speaking/Non speaking

To

- 1 The Secretary to Government,
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