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W.P. No.32126 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

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1. Savithri
2. J.Karpagam
3. S.Anitha
4. Vilwam
5. Magizham
6. Arulmozhi Alamelu
7. Saravana Porchelvi

.. Petitioners

Vs.

1. The Principal Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai-9.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

3. The District Collector,
Chennai District, Singaravelar Maligai,
No.62, Rajaji Salai, Chennai-1.

4. The Special Deputy Collector,
Land Acquisition Cell,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore, Chennai-8.



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5. The Managing Director,
Chennai Metropolitan Rail Limited,
Harini Towers, No.7 Conron Smith Road,
Gopalapuram, Chennai-86.

.. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Declaration declaring that the land acquisition proceedings initiated under the Land Acquisition Act 1894 in respect of the lands measuring 0.13 acres comprised in S.No.160/3B2 (Plot No.5 & 8) Koyambedu Village, Egmore, Numgambakkam Taluk , Chennai District, in the Registration Sub District of Anna Nagar covered by Notification issued by the 1st respondent under Section 4(1) in G.O.Ms.No.429 Housing and Urban Development (UD III (V) Department dated 13.11.1998 and sec.6 Declaration in G.O.Ms.No.54 Housing and Urban Development (UD 3(1) Department dated 2.2.2000 are deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and the Settlement Act, 2013 and consequently, direct the respondents to pay the compensation for the petitioners above mentioned lands as per the New Act.

For Petitioner : Mr.K.Padmanabhan
for M/s. M.Mala

For Respondents : Mr. P.Sathish, AGP RR1, 3 and 4
Mrs.P.Veena Suresh R2
Mr.B.Kalyanaraman R5
for M/s.Jauesh B.Dolia



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ORDER

This petition has been filed for declaring that the land acquisition proceedings initiated under the Land Acquisition Act 1894 in respect of the petitioner's lands are deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and the Settlement Act, 2013 and consequently, direct the respondents to pay the compensation for the petitioners above mentioned lands as per the New Act.

2. Heard, the learned counsel for the petitioner as well as the learned counsel appearing for the respondents.

3. The petitioners are the owner of the land measuring 0.13 acres comprised in S.No.160/3B2 (Plot No.5 & 8) Koyambedu Village, Egmore, Numgambakkam Taluk , Chennai District. The first respondent had issued a notification on 13.11.1998 under Section 4(1) of the Land Acquisition Act 1894 for acquiring lands for establishment of the Koyembedu Market Complex and the 6th declaration was published in year 2000 and an award was passed in the year 2001. Till date, the possession was not taken and



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compensation was not paid. Challenging the land acquisition proceeding, the petitioners have filed the present writ petition before this Court seeking appropriate directions.

4. The learned counsel for the petitioners submitted that the petitioners land was acquired for Koyembedu Market Complex, for which, an award was passed in the year 2001. During enquiry, the 6th petitioner appeared before the Land Acquisition Officer and produced the consent letter from the other legal heirs and requested to release the entire compensation amount in favour her favour. In the meantime, one of the legal heir viz., Porselvi Aravindan filed a writ petition before this Court challenging the acquisition proceedings and this Court vide its order dated 12.01.2011 dismissed the same. Even thereafter, the possession of the subject land has not been taken and the same still remains with the petitioners and no compensation amount has been paid to the petitioners. Therefore, the land acquisition proceedings initiated under the Central Act 1894 have been lapsed in view of the non compliance of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition and Re-



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settlement Act 2013. Therefore, this Court may direct the respondents to pay fair compensation along with interest to the petitioners within the reasonable time as fixed by this Court.

5. The learned counsel for the 5th respondent submitted that the land acquisition officer have already issued a notification under Section 12 of the Act to the petitioners directed to collect the compensation amount.

6. The learned Special Government Pleader submitted that the compensation amount will be disbursed in favour of the petitioners with applicable interest within a period of twelve weeks.

7. Considering the fact that the acquisition proceedings have been completed and the subject land was taken over by the government and the same was handed over to the requisitioning body. Further, an award was passed in the year 2001. One of the legal heir filed a writ petition challenging the acquisition proceeding, due to which, the Land Acquisition Officer have not deposited the compensation amount. The petitioners claim



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that this Court disposed the writ petition in the year 2011 and even after disposal of the writ petition, the respondents have not paid the compensation amount to the petitioners.

8. In view of the above discussion, this Court is inclined to issue direction to the second respondent to disburse the compensation amount to the petitioner along with interest in terms of section 34 of the Land Acquisition Act within a period of twelve weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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Index : Yes/No
Internet : Yes/No
Rli

To



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M.DHANDAPANI, J.

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