



W.P.No.30773 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30773 of 2022 and
W.M.P.No.30201 of 2022

V.Durga Devi

... Petitioner

VS.

1. The Secretary to the Government of Tamil Nadu
Industries Department,
Fort St.George,
Chennai – 600 009.
2. The Secretary to the Government of Tamil Nadu,
Energy Department,
Fort St.George,
Chennai – 600 009.
3. The District Collector,
Kancheepuram,
Kancheepuram District.
4. The District Revenue Officer (Land Acquisition),
Cheyyur Ultra Mega Power Project,
Kancheepuram,
Kancheepuram District.



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5. The Special Thasildar,
Cheyyur Ultra Mega Power Project,
Office of Thasildar, Cheyyur Taluk,
Cheyyur,
Kancheepuram District.
Respondents

...

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to forthwith conclude the acquisition proceedings initiated on 15.12.2011 under the Tamil Nadu Acquisition of Land for Industrial Purpose Act 1997 by paying necessary compensation in terms of the Tamil Nadu Land Acquired Laws (Revival of Operation, Amendment and validation) Act 2019 by passing an award in terms with The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of Petitioner's land situated in S.No.350/29, Panaiyur Village, Cheyyur Taluk, Kancheepuram District within a time frame fixed by this Court.

For Petitioner : Mr.M.Vijayan
for G.V.Seethalakshmi

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to forthwith conclude the acquisition proceedings initiated on 15.12.2011 under the Tamil Nadu Acquisition of



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Land for Industrial Purpose Act 1997 (Act 10 of 1999) (in short 'the Act') by paying necessary compensation in terms of the Tamil Nadu Land Acquired Laws (Revival of Operation, Amendment and validation) Act 2019 by passing an award in terms with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) (in short 'Act, 2013') in respect of Petitioner's land situated in S.No.350/29, Panaiyur Village, Cheyyur Taluk, Kancheepuram District within a time frame that may be fixed by this Court.

2. It is the case of the petitioner that her property in S.No.350/29 of an extent of 0.11.0 Hectare situated in Panaiyur Village, Cheyyur Taluk, Kancheepuram District was acquired for the purpose of formation of Cheyyur Ultra Mega Power Project and Notification u/s 3(1) of the Act was issued on 15.12.2011. Subsequently, notice u/s 4(2) of the Act was issued on 16.03.2012. However, after a lapse of three years the petitioner received notice u/s 7(5) and 7(7) of the Act, calling upon her to appear for the Award enquiry which was scheduled to be held on 21.01.2015. However, till date the Award was not passed. Hence the present writ petition.



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3. Learned counsel appearing for the petitioner submits that though the Award enquiry notice was issued on 07.10.2015, Award in respect of the same was not passed and it is the admitted fact that notification u/s 3(1) of the Act was issued on 15.12.2011, subsequently, notice u/s 4(2) of the Act was issued on 16.03.2012. However, after a lapse of 3 years, on 07.01.2015, the petitioner received a notice u/s 7(5) and 7(7) of the Act, to appear for Award enquiry which was scheduled to be held on 21.01.2015. In view of the delay the entire acquisition proceedings stands lapsed on the ground of repugnancy that after the passing the Act, 2013 the State cannot proceed with the acquisition under the old Act. Hence, this Court, may direct the third respondent / District Collector to conclude the proceedings initiated on 15.12.2011 and to pass the Award in terms of Act, 2013.

4. Learned Additional Government Pleader appearing for the respondents submitted that though the notification u/s 3(1) of the Act was issued on 15.12.2011, the land is very much required for the purpose for which they were acquired. Hence, the Award will be passed after concluding



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the proceedings initiated u/s 3(1) of the Act.

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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Though very many contentions have been advanced, learned counsel for the petitioner claims that her property was sought to be acquired for the aforesaid purpose and the notification u/s 3(1) of the Act was issued on 15.12.2011. However, inspite of issuance of enquiry notice dated 07.01.2015 by the fifth respondent, the petitioner though was called for Award enquiry on 21.01.2015, however, the award has not been passed in respect of the petitioner's property. Hence the present writ petition.

7. In view of the limited relief sought for by the petitioner and in view of the stand taken by the learned Additional Government Pleader appearing for the respondents, this Court, without expressing any opinion on the merits of the case, directs the third respondent / District Collector to pass the Award in terms of Act, 2013 within a period of six weeks from the date of receipt of a copy of this order, failing which, the entire acquisition



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proceedings initiated u/s 3(1) of the Act would be deemed to have lapsed.

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

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RAP

Index : Yes/No

Speaking order : Yes/No



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M.DHANDAPANI, J.

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