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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

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

W.P.No.31654 of 2022
and
W.M.P.No.31099 of 2022

P.Murugesan ... Petitioner

Vs.

1.The Principal Secretary,
Transport Department,
Secretariat, Chennai – 600 009.

2.The District Collector,
Coimbatore – 641 018.

3.The Special District Revenue Officer,
Coimbatore Airport Runway Expansion,
Coimbatore – 641 018.

4.The Special Tahsildar,
Land Acquisition,
Airport Runway Expansion Collectorate,
Coimbatore – 641 018. ... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent District Collector, Coimbatore to determine the compensation amount for


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the petitioner's land in S.F.No.666/2 and 668/3 an extent of 2512 sq.ft. at Kalappatti Village, Coimbatore District in possession and enjoyment of the petitioner under Section 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 and Act 30/2013 and as per the directions of the division Bench orders dated 18.08.2020 made in W.P.No.2116 of 2017 considering the representation dated 17.08.2022 of this petitioner.

For Petitioner : Ms.P.Bagyalakshmi
For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

**ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the 2nd respondent/District Collector, Coimbatore to determine the compensation amount for the petitioner's land in S.F.Nos.666/2 and 668/3 an extent of 2512 sq.ft. at Kalappatti Village, Coimbatore District in possession and enjoyment of the petitioner under Section 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (in short, Act 30/2013) and as per the directions of the Division Bench orders dated 18.08.2020 made in W.P.No.2116 of 2017 considering the representation dated 17.08.2022 of this petitioner.


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2. The case of the petitioner is that the petitioner is the absolute owner of the aforesaid properties, which was acquired for the purpose of expansion of run-way to the Coimbatore International Airport and 3(2) Notification was issued on 24.04.2012 under the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999). Pursuant to which, the petitioner herein objected the said proposal on various grounds and submitted their explanation to the third respondent to drop the acquisition proceedings. However, on overruling the said objections, the respondents herein has proceeded with the acquisition in issuing the 3(1) Notification of the said Act on 04.12.2013. The grievance of the petitioner is that the second respondent/District Collector has not determined the compensation amount within a period of six months from the date of issuance of 3(1) Notification. Therefore, the petitioner made a representation dated 17.08.2022 before the respondents 2 to 4, seeking to determine the compensation amount in accordance with Act 30 of 2013. Since the said representation was not considered by the respondents 2 to 4, the petitioner filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that, it would


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suffice, if this Court issues a direction to the second respondent to consider the petitioner's representation dated 17.08.2022 and pass appropriate orders as per the directions of the Division Bench orders dated 18.08.2020 made in W.P.No.2116 of 2017 of this Court within a stipulated time frame that to be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents has no objection for the said order being passed.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the second respondent to determine the compensation amount for the subject lands acquired from the petitioner in terms of Section 7 of the Act read with Act 30 of 2013, within a period of twelve weeks from the date of receipt of a copy of this order.


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7. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

**28.11.2022**

Index: Yes/No
Speaking Order : Yes/ No
jd

To

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**M.DHANDAPANI, J.**

jd

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