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W.P.No.31421 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.31421 of 2022
and W.M.P.No.30857 of 2022

1.K.Ramaswamy
2.S.Devarajan
3.C.Boopathy

... Petitioners

Vs.

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

2.The District Collector,
Coimbatore - 641 018.

3.The Special District Revenue Office,
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,



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praying to issue a Writ of Mandamus, directing the 2nd respondent District Collector, Coimbatore to determine the compensation amount for the petitioners land in S.F.No.674/4 an extent of 13 cents, out of which 6 cents with 1100 Sq.ft buildings notified for acquisition at Kalappatti Village, Coimbatore District in possession and enjoyment of these petitioners, under Section 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 Act 30/2013 and as per the directions of the Division Bench orders dated 18.08.2020 made in these petitioners.

For Petitioners : Mr.P.Bagyalakshmi

For Respondents : Mr.Yogesh Kannadasan for R1
Special Government Pleader

: Mr.U.Bharanidharan for RR2 to 4
Additional Government Pleader

ORDER

This Writ Petition have been filed by the petitioners to direct the 2nd respondent District Collector, Coimbatore to determine the compensation amount for the petitioners land in S.F.No.674/4 an extent of 13 cents, out of which 6 cents with 1100 Sq.ft buildings notified for acquisition at Kalappatti Village, Coimbatore District in possession and enjoyment of these petitioners, under Section 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and



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Resettlement Act, 2013 Act 30/2013 and as per the directions of the Division Bench orders dated 18.08.2020 made in these petitioners.

2.The case of the petitioners is that they are partners of Vardhaman Heavy Castings, Coimbatore, who have purchased the property in S.F.No.674/4 measuring an extent of 6 ½ Cents and 6 ½ Cents totally 13 Cents from one Govindarajan and Ravichandran by way of a Sale Deed registered as Doc.No.2071 of 2007 dated 16.03.2007 on the file of the SRO, Gandhipuram. From the date of purchase, the petitioners are in absolute possession and enjoyment of the said property which is used for expansion of their industry. While so, the 3rd respondent by exercising their powers under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 act 10/1999 issued show cause notices on 24.04.2012 for the purposes of expansion of run way of Coimbatore International Airport. The petitioners submitted their objections to the 3rd respondent. Without taking note of the said objections, the respondents proceeding with the acquisition and issued 3(1) notification on 21.08.2014 and Gazetted the same in G.O.Ms.No.92 and 95 Transport



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1_2 both dated 21.08.2014. Therefore, the petitioners submitted their objections on 04.11.2013 through their Association and a meeting was conducted on 27.05.2015 and survey on 26.05.2015. Whereas, the 1st respondent had not determined the compensation amount even after six months. A batch of Writ Petitions were filed challenging the G.O. as well as the provision of the new Act and the proceedings were kept in abeyance under the old act in which the Hon'ble Apex Court has held that the State can proceed with the acquisition proceedings pending under the Industrial Purposes Act under the same act is Award not yet passed, whereas, in the present case, the Mandatory provisions of the Act 10/1999 the District Collector would have determined the compensation amount even after a lapse of eight years the compensation is not determined. Therefore, the entire proceedings initiated by the respondents under the Act 10/1999 got lapsed and the acquisition itself is liable to be quashed.

3.The other land owners filed W.P.No.2116 of 2017 before this Court, in which the District Level Committee headed by the District



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Collector under the directions and various orders of this Court conducted a joint meeting and passed a resolution on 06.03.2018 determined the compensation amount. Observing the same, this Court passed the orders in the above said Writ Petition on 18.08.2020 directing the respondents to pay an interest of 9% from the date of 3(2) notice. Aggrieved over the same, the respondents therein preferred and appeal before the Hon'ble Apex Court in SLP.No.12770 to 12783 of 2020. Under these circumstances, the petitioners gave their representations dated 18.08.2022 to the 2nd respondent to determine the compensation amount to their lands and proceed with the acquisition. However, till date, petitioners representations were not considered. Hence, the present Writ Petition

No costs. Consequently, connected miscellaneous petition is closed.

4.The learned counsel for the petitioners submits that it would suffice if this Court issues direction to the respondents to determine the compensation in terms of Act 30 of 2013 within a particular time frame fixed by this Court.



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5.Learned Additional Government Pleader Special Government Pleader appearing for the respondents submits that if the Award is not already passed, the Award will be passed in terms of Act 30 of 2013 within a particular time frame fixed by this Court.

6.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioners representation dated 18.08.2022 to determine the compensation amount, if not already determined, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

7.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
gba
To
1.The Principal Secretary



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M.DHANDAPANI, J.

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(1/2)