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W.P.No.32572 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32572 of 2022

And

W.M.P.Nos.31971 and 31972 of 2022

M.Shanthi

... Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.Special District Revenue Officer (Land Acquisition)
Chennai Peripheral Road Project-III,
SIDCO Branch Office,
Ambattur Industrial Estate,
Chennai – 600 058.

3.A.Sivagami, M.Sc.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 03.10.2022 Ref.Roc.No.A4/23/2019 passed by the 2nd/3rd respondent and quash the same and consequently direct the respondents to consider afresh the objections of the petitioner by affording personal hearing as per the provisions of



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Sections 26 to 30 and 38 of the Central Act 30 of 2013 (RFTLARR Act 2013) and by appointing a specialist in the field as per Section 29(1) of the Act, to assess the value of the petitioner's land modern Indian Oil Petrol Pump with all machineries, facilities, structures therein, underground storage tanks etc., in the land in S.Nos.107/1A and 107/1B2 situated in No.111, Sengadu Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.S.Thanka Sivan
For Respondents : Mrs.Anitha
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 03.10.2022 Ref.Roc.No.A4/23/2019 passed by the 2nd/3rd respondent and quash the same and consequently direct the respondents to consider afresh the objections of the petitioner by affording personal hearing as per the provisions of Sections 26 to 30 and 38 of the Central Act 30 of 2013 (RFTLARR Act 2013) and by appointing a Specialist in the field as per Section 29(1) of the Act, to assess the value of the petitioner's land modern Indian Oil Petrol Pump



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with all machineries, facilities, structures therein, underground storage tanks etc., in the land in S.Nos.107/1A and 107/1B2 situated in No.111, Sengadu Village, Sriperumbudur Taluk, Kancheepuram District.

2.The case of the petitioner is that the petitioner's landlord was served with notice under Section 15(2) of the Tamil Nadu Highways Act (hereinafter referred to as 'Act') for acquisition of the subject property and the petitioner's landlord submitted his explanation and objection and without considering the same, the respondents issued notice under Section 19(5) of the Act for fixation of compensation. Since the petitioner is the owner of the petroleum service station in the subject property, she made representation to the respondents seeking to appoint a Specialist in the field as per Section 29(1) of the Central Act 30 of 2013, to assess the value of the modern Indian Oil Petrol Pump with all machineries, facilities, structures therein, underground storage tanks etc., and to fix compensation separately and without considering the same, the respondents passed the impugned order. Hence, this writ petition.



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3.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to pass award in terms of Sections 26 to 30 and 38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) after providing opportunity to the petitioner, within a reasonable time frame.

4.The learned Special Government Pleader submitted that though the land has been acquired under the Tamil Nadu Highways Act, award will be passed only in terms of Act 30 of 2013.

5.In view of the above, this Court, without expressing any opinion on the merits of the case, directs the respondents to pass award in terms of Sections 26 to 30 and 38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), after providing opportunity to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



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6.This writ petition is accordingly disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

02.12.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The District Collector,
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Kancheepuram.
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