



CONT.P.(MD)No.771 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

CONT.P.(MD).No.771 of 2022

T.R.Dinakaran

: Petitioner

Vs.

- 1.Dr.K.Gopal, I.A.S.,
Secretary to Government,
Transport Department,
Fort St.George, Chennai-9.
- 2.Arumugam,
Managing Director,
State Transport Corporation,
Madurai Zone, Madurai.
- 3.Meganatha Reddy,
District Collector,
Virudhunagar, Virudhunagar District.
- 4.Mangala Ramasubramanian,
District Revenue Officer, Virudhunagar.
- 5.Kalyana Kumar,
Revenue Divisional Officer,
Land Acquisition Officer,
Aruppukottai, Virudhunagar District.
- 6.Arivazhagan,
Tahsildar, Aruppukottai, Virudhunagar District. : Respondent



CONT.P.(MD)No.771 of 2022

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to proceed against the Contemnors / Respondents for contempt of Court and punish them suitably for their wilful violation and disobedience of orders of this Court passed in W.A. (MD)No.538 of 2019, dated 28.07.2021.

For Petitioner	:Mr.S.Kadarkarai
For R1, R3 to R6	:Mr.Veera Kathiravan Additional Advocate General assisted by Mr.S.P.Maharajan Special Government Pleader
For R2	:Mr.S.C.Herold Singh *****

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Court by order, dated 28.07.2021, in W.A.(MD)No.538 of 2019, while dismissing the Writ Petition, passed the following order:

“(i)The Writ Appeal is dismissed. Consequently, the writ petition is allowed and the 4(1) notification dated 10.09.2014 issued under 1894 Act is quashed.

(ii) The appellant corporation is directed to vacate and surrender vacant possession of the lands in question to the first respondent within a period of three months from the date of receipt of a copy of this judgement.

(iii) In the alternative, if the appellant corporation and the official respondents are of the view that the land is still required for them for the purpose of the bus depot, we give liberty to the official respondents and the appellant to initiate land acquisition proceedings under Act 30 of 2013 within two months from the date of receipt of copy of this Judgment. It



CONT.P.(MD)No.771 of 2022

WEB COPY

goes without saying that if proceedings are initiated under Act 30 of 2013 and the acquisition proceedings is sustained and it travels up to the stage of payment of compensation, the compensation needs to be computed based on the value of the property on the date of notification which is to be issued. (iv) In the preceding paragraphs, we have specifically observed that the occupation of the lands in question was illegal and they were a trespasser. Apart from that, from the year 1977, the first-respondent has been dragged into various litigations and he has been before this court ever since the year 2000, due to which substantial money and time had been spent on litigation. Therefore, we are of the view that the appellant corporation is liable to pay cost to the first respondent which we quantify at Rs.1,00,000/- which shall be paid to the first respondent within two weeks from the date of receipt of a copy of this judgment.

2.It is not in dispute that by order of this Court, the acquisition proceedings by issuing a notification under Section 4(1) of Land Acquisition (Central) Act, dated 10.09.2014 was quashed. However, the respondents, though have taken possession of the acquired lands long back, have not issued fresh notification under Act 30 of 2013 within two months from the date of receipt of the said judgment.

3.A clarification petition was filed before this Court by the Managing Director, State Transport Corporation, Madurai Zone, Madurai, in C.M.P.(MD) No.6681 of 2022 in W.A.(MD) No.538 of 2019. It was submitted that a notification dated 23.07.2022, under the provisions of Tamil Nadu Acquisition of Land for Industrial Purposes



CONT.P.(MD)No.771 of 2022

Act, 1997, was issued by the Government. Though the direction of Division Bench was to initiate acquisition proceedings under Act 30 of 2013, it was contended before this Court that the Tamil Nadu State Transport Corporation is an industry and therefore, the acquisition should be made under Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999). This Court after considering the issue elaborately dismissed the application with a direction to the respondent Corporation to resort to the provisions of Act 30 of 2013 as expeditiously as possible to avoid payment of higher compensation.

4. Based on the clarification, this Court in C.M.P.(MD) No.357 of 2022 in W.A.(MD) No.538 of 2019, extended the time to initiate appropriate acquisition proceedings within a period of three months from the date of receipt of a copy of that order. That order was passed on 02.08.2022.

5. In view of the fact that the respondents had issued a notification, initiating acquisition proceedings under Tamil Nadu Act 10 of 1999, this Court is unable to find any wilful disobedience. Accordingly, this Contempt Petition is dismissed. However, it is made



CONT.P.(MD)No.771 of 2022

WEB COPY

clear that the petitioner is entitled to renew the contempt petition, in case no proceedings is initiated even within the time extended by this Court.

[S.S.S.R., J.] [S.S.Y., J.]
04.08.2022

Index : Yes/No

cmr/sj

Note: Issue copy on 26.08.2022
To

- 1.The Secretary to Government,
Transport Department,
Fort St.George, Chennai-9.
- 2.The Managing Director,
State Transport Corporation,
Madurai Zone, Madurai.
- 3.The District Collector,
Virudhunagar, Virudhunagar District.
- 4.The District Revenue Officer, Virudhunagar.
- 5.The Revenue Divisional Officer,
Land Acquisition Officer,
Aruppukottai, Virudhunagar District.
- 6.The Tahsildar, Aruppukottai, Virudhunagar District.



WEB COPY



CONT.P.(MD)No.771 of 2022

S.S.SUNDAR, J.

and

S.SRIMATHY, J.

cmr/sj

CONT.P.(MD).No.771 of 2022

04.08.2022